DOCUMENT RESUME

ED 159 239 UD 018 383

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TITLE Title VI and Title IX Compliance by the Office for Civil Rights in State-Operated Special Purpose and Vocational Schools Pursuant to Adams v. Mathews.
INSTITUTION National Association for the Advancement of Colored People Legal Defense and Educational Fund, New York, N.Y.
PUB DATE Jul 76
NOTE 83p.

EDRS PRICE MF-$0.83 HC-$4.67 Plus Postage.
DESCRIPTORS Area Vocational Schools; Elementary Secondary Education; *Equal Education; Handicapped; *Law Enforcement; *Racial Discrimination; School Integration; *Sex Discrimination; Special Education; *Special Schools; State Departments of Education; State Schools; *Vocational Education
IDENTIFIERS Civil Rights Act 1964 Title VI; Education Amendments 1972 Title IX; *Office for Civil Rights

ABSTRACT

This paper examines the compliance activities of the Office for Civil Rights (OCR) undertaken to eliminate racial and sex discrimination in special purpose schools administered by State departments of education. After reviewing background to non-enforcement of Title VI, and briefly explaining Title IX, the activities of OCR with regard to special purpose schools are discussed. OCR's failure to identify all these schools is examined in a comparison of OCR's 1973 State by State list with the 1967 list compiled by the Equal Educational Opportunities Program (EEOP) and with directories of State education agencies. The case of the Virginia schools for the deaf and blind is described. Compliance with Title VI and Title IX by Area Vocational Education Schools (AVES) is then discussed in terms of fund distribution and access, racial composition of programs, and OCR's compliance efforts. Issues discussed include admissions, recruitment and counseling, job placement and apprentice training, and gerrymandering. Pilot reviews of AVES conducted in five States by OCR (Arkansas, California, Georgia, North Carolina, and Pennsylvania) are examined. In addition, ten compliance reviews, initiated or completed by three regional offices of OCR (Philadelphia, Atlanta, and Dallas), are described for individual schools. It is concluded that OCR must establish a division of State-administered schools in order to enforce Title VI and Title IX compliance. (Author/MC)

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ED159239

TITLE VI AND TITLE IX COMPLIANCE BY THE OFFICE FOR CIVIL RIGHTS

IN

STATE-OPERATED SPECIAL PURPOSE AND VOCATIONAL SCHOOLS

PURSUANT TO ADAMS v. MATHEWS

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July 1976

UD018383

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This paper examines the compliance activities of the Office for Civil Rights (OCR) of the Department of Health, Education and Welfare (HEW) with respect to schools administered or operated by state departments of education. State departments of education are recipients of federal financial assistance for schools operated directly by them, as well as for schools administered by local educational agencies. The types of schools operated or administered directly under the jurisdiction of a state education agency vary from state to state, but typically they include schools for the deaf, blind, handicapped, mentally retarded, and vocational schools with secondary and postsecondary programs.

After the enactment of Title VI of the Civil Rights Act of 1964, HEW obtained a "Statement of Compliance" from each of the 50 state departments of education. That document pledged the state to fulfill its responsibility as a recipient and conduit of federal financial assistance to insure non-discrimination. HEW never established a compliance program for state education agencies. Neither did it require state education agencies to establish their own monitoring or compliance program. Consequently, when state education agencies were blatantly approving the discriminatory use of federal funds, the Office for Civil Rights did not take any enforcement action.

For a short time in 1967 the Office for Civil Rights' predecessor, the Equal Educational Opportunities Program (EEOP), made a temporary effort to identify special purpose schools (but not vocational schools) in the 17 Southern and Border states which operated on a racially segregated basis and which received federal funds. At that time, virtually all the Southern states continued to operate racially segregated schools for the deaf and blind, as well as other special purpose schools.

There were some sporadic, shortlived attempts to secure compliance with Title VI. An internal EEOP memorandum dated May 8, 1967, identified racially segregated deaf and blind schools in five states which were considered in non-compliance. The memorandum noted that the five states had been referred to the Office of General Counsel, but none at that time had been noticed for administrative enforcement proceedings. Two states were considered to be in compliance, but the memorandum did not explain what the states had done in order to be considered in compliance.

In 1970 the NAACP Legal Defense and Educational Fund (LDF) filed Adams v. Richardson in the U.S. District Court for the District of Columbia. That suit alleged a "general and calculated default" by the Department of Health, Education and Welfare in its enforcement of Title VI. Included among the several causes of action was the

allegation that HEW had failed to exercise its Title VI jurisdiction with respect to state education agencies. After the filing of Adams, the Office for Civil Rights announced its intention to launch a compliance program with respect to state-administered schools, but it took no such step until ordered to do so by the Court two and a half years later.

In the course of the litigation, HEW submitted to the U.S. District Court an incomplete list of 205 vocational schools, 28 schools for the blind and deaf, and certain other schools for the mentally handicapped administered by state education agencies in the 17 Southern and Border states. HEW had no enrollment or faculty data by race for these schools, with the exception of 32 vocational schools in Louisiana, seven of which were overwhelmingly black and 25 of which were overwhelmingly white.

In his decision of February 1973, Judge John Pratt noted these Louisiana statistics and concluded: "Many of the schools operated by state departments of education are obviously segregated." The District Court ordered HEW's Office for Civil Rights "to implement without unreasonable delay an enforcement program adequate to secure Title VI compliance with respect to vocational and other schools administered or operated by State Departments of Education sufficient to assure their compliance with Title VI, including reporting and on-site reviews."

What has OCR done in response to the District Court's Order of February 1973? Is there a compliance program for special purpose and vocational schools? How many on-site reviews have been undertaken? Has OCR identified possible Title VI compliance problems, and if so, has voluntary compliance or other means of enforcement been secured? How many and what kinds of complaints has OCR received about these schools? What has been the quality of the compliance reviews? To what extent has OCR addressed both the traditional and newly emerging patterns of discrimination against black students, faculty, and staff?

From November 1975 through March 1976, I conducted an inquiry into these questions by interviewing responsible officials and reviewing pertinent files at the Office of Policy and Program Development Branch, Elementary and Secondary Education Division of the Office for Civil Rights in Washington and at three Regional Offices of OCR in Philadelphia (Region III), Atlanta (Region IV), and Dallas (Region VI). OCR's reports to the District Court pursuant to the Adams reporting requirements were also reviewed.

In addition to examining compliance activities pursuant to Title VI of the Civil Rights Act of 1964, this paper also includes Title IX

of the Education Amendments of 1972 which prohibits discrimination on the basis of sex in educational institutions receiving federal financial assistance. Title IX is a new statute, and LDF is interested to know how OCR is defining sex bias compliance issues, especially in vocational schools. We are concerned about the sex, as well as the race, discrimination that affects black women. Finally, OCR itself expanded its activities in special purpose and vocational schools to include Title IX.

For purposes of convenience and clarity, this report is in two parts -- Part I - Special Purpose Schools and Part II -- Vocational Schools.

PART I - SPECIAL PURPOSE SCHOOLS

State education agencies receive approximately $200 million annually for special purpose schools of all kinds under Title I of the Elementary and Secondary Education Act and the Education of the Handicapped Act. Although the Adams order pertained only to the 17 Southern and Border states, OCR Director Peter Holmes decided within a few months after the Judge's ruling that the scope of the special purpose schools compliance program should be nationwide and that it should include Title IX (sex discrimination) as well as Title VI. David Gerard, in the Policy and Program Development Branch, was assigned responsibility for coordinating the compliance program for state-administered schools.

OCR's first step was to identify the special purpose schools. OCR wrote to all 50 state education agencies in April 1973,[1] asking that they identify the special purpose schools administered by or operated under their jurisdiction. A state by state list was compiled from these responses. OCR then wrote a letter to each school on the state by state list requesting that it provide total enrollment data by race and sex, data on administrators and teachers by race and sex, and a brief description of criteria or regulations governing admissions.

These school responses then were collected by Mr. Gerard and turned over to the Regional Offices. Mr. Gerard did not retain copies of any letters. Neither Mr. Gerard nor anyone else in OCR/Washington retained any responsibility or authority for the special purpose school compliance program. No written instructions were sent to the Regional Offices instructing them to initiate compliance efforts. The only item which OCR/Washington could produce from its files was the state by state list and a sample copy of its letter to the special purpose schools.

At each of the three Regional Offices I asked for copies of the school responses and any list of special purpose schools that corresponded to the list I obtained from Washington. None of the three Regional Offices had any responses from any special purpose schools and claimed that OCR/Washington never transmitted any letters. I asked that the files be searched and nothing was turned up in any of the three offices. Only the Atlanta Regional Office had a list, handwritten, which corresponded to the Washington list. The Dallas and Philadelphia Offices did not have the

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1/ Undated sample letter to directors of special purpose schools from Lloyd Henderson, Director, Elementary and Secondary Education Division, Office for Civil Rights.

names of any special purpose schools.2/ The Elementary and Secondary Branch Chief in Philadelphia was not aware of the section of the Adams order pertaining to special purpose schools.

No one in OCR presently knows where the school responses are. There is no compliance program for special purpose schools either in Washington or in the Regional Offices. Washington says the matter has been "decentralized" and is the responsibility of the Regional Offices. The Regional Offices attach no priority at all to special purpose schools. Two of the offices do not even know the names of the schools. The Regional Offices' explanation for having done nothing is that they do not have the resources and that their time has been consumed with investigations of complaints, Emergency School Aid Act pre-award reviews, and bilingual education and Title IX compliance reviews.

State By State List of Special Purpose Schools

Even OCR's initial effort to identify the special purpose schools has been an unmitigated failure. Many of the special purpose schools are not on the state by state list compiled by Washington. The reason for this is that in a number of states, these schools are not under the jurisdiction of state departments of education. They may be operated by other state agencies or by independent boards created pursuant to state law. Although OCR sought to identify special schools in the whole country and to collect data on the sex as well as the race of students and staff, it did not expand the scope of its efforts beyond state departments of education, the exact language in the Adams order. Neither was an effort made to include juvenile training schools over which OCR does have Title VI jurisdiction.

The fact that many special purpose schools are not operated by state education agencies is no bar to OCR's jurisdiction. Lamar Clements,

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2/ After a search of its files, the Philadelphia Office produced a May 2, 1973 memo to Lloyd Henderson which listed the deaf and blind schools in Region III including a summary of faculty and student data. On that list were the following:

> The Romney School for the Deaf and Blind in West Virginia: 300 students, 16 black; 72 faculty, 2 black;
>
> The Pennsylvania State School for the Deaf: 162 students, 2 black; 78 faculty, no blacks.

the Elementary and Secondary Branch Chief in Atlanta, conceded as much. He pointed out that even if these schools are not administered by the education departments, those agencies probably set standards for curriculum, admissions and teacher certification. Furthermore, at the time the Philadelphia Regional Office investigated the racially separate blind and deaf schools in Virginia and throughout the protracted negotiations over a desegregation plan, OCR dealt with the Governor's Secretary for Human Affairs, the two superintendents, and two independent Boards of Visitors. The Virginia Department of Education was not involved until much later after jurisdiction for the two schools had been transferred to it from the Department of Human Affairs.

It is also painfully obvious that OCR has not made even a cursory examination of the state by state list that it did compile. If it had done so, it would have noticed that Louisiana listed deaf and blind schools that, on their face, are racially segregated.3/ Furthermore, it should have struck someone at OCR as odd that the only entry for Virginia is a local school district, the Henrico County Public Schools.

I compared the 1973 list compiled by OCR with the 1967 list compiled by EEOP and with directories of state education agencies. The comparison reveals that OCR's 1973 list does not include, in some instances, all special purpose schools operated by the state education agencies. For example:

> Alabama - The 1973 list contained two institutions: the Alabama Institute for the Deaf and Blind in Talladega and the State Training School for Girls in Birmingham. The 1967 list contains 12 schools, two of which are also on the 1973 list. The other 10 are: The Alabama Boys' Industrial School, the Alabama Industrial School, the Alabama School for the Deaf, the Alabama School for Negro Deaf, the Alabama Vocational School for Girls, Lee McBride White School, Mt. Park Special School, the Partlow State School and Hospital, Pineview Manor. The 1974-75 Education Directory for the Alabama Department of Education lists in addition to all of

3/ The Southern University System State Schools for the Blind and Deaf in Baton Rouge are presumably black, or predominantly so. The Louisiana State School for the Blind and the Louisiana State School for the Deaf, both in Baton Rouge, are presumably for white children.

the above: the Alabama School for Fine Arts and the unaccredited Secondary Area Vocational School's Deaf and Blind Training Center in Talladega.

Arkansas - The 1973 list has two schools: the Arkansas School for the Blind and the Arkansas School for the Deaf, both located in Little Rock. The 1967 list includes ten schools, one of which is the Arkansas School for the Deaf and Blind in Little Rock. The nine other schools are: Arkansas Enterprises for the Blind, Arkansas School for the Deaf, Arkansas Training School for Boys, Arkansas Training School for Girls, Negro Boys Industrial School, Fargo Training School, North Hills Exceptional School, Jackson County Retarded School, and the Arkansas Children's Colony. The 1972-73 state department directory lists only the two schools on the 1973 list.

Louisiana - The 1973 list contains five schools: the Louisiana State School for the Blind and the Louisiana State School for the Deaf, both in Baton Rouge; the Southern University System State Schools for the Blind and Deaf in Baton Rouge; the Louisiana State School for Spastic Children; the Northeast Cerebral Palsy School. The 1967 list contains 13 schools including the State School for the Deaf, the State School for Deaf Negroes, the State School for the Blind, the State School for Blind Negroes and a State Industrial School for Colored Youth. The 1971-72 state department directory shows in addition to the schools on the 1973 list, six schools run by the Department of Hospitals and four operated by the Department of Corrections.

Mississippi - The 1973 list contains no schools. The 1967 list contains ten schools, including two schools for the deaf in Jackson, one of which was for

Negroes; one School for the Blind; two hospital schools; two training schools; and three other schools. The 1975-76 Mississippi School Bulletin lists a School for the Deaf and a School for the Blind. In 1974, LDF filed suit to desegregate the dual blind schools. David Rice of the Children's Defense Fund reports that the two blind schools have been paired. The formerly white school is now the high school and the formerly black school is the elementary school. Those two schools are operated by independent boards appointed by the Governor, rather than by the state education agency, but they are listed in the 1975-76 Mississippi Bulletin.

North Carolina - The 1973 list includes three schools: the North Carolina School of Arts, the Governor's School of North Carolina, and the North Carolina Advancement School. The 1967 list shows 21 schools, including three training schools and identifiably separate schools for the deaf and blind. The 1974-75 directory includes a listing for State Schools for the Handicapped under the Department of Human Resources, the Governor Moorehead School (for the visually impaired) in Raleigh, and three schools for the deaf in different parts of the state. The directory does not indicate that the three deaf and one blind schools are operated by any other department, but it is unclear whether they are operated by the state education agency. In any event, these schools are not on the 1973 list.

Virginia - The 1973 list mentions only the Henrico County Public Schools as operated by the state department of education. It does not include the Virginia School at Hampton (formerly for black deaf and blind children) or the Virginia School at Staunton (formerly for white blind and deaf children) which, in the

> same year that OCR compiled its list, were negotiating a desegregation plan with OCR. The 1967 list includes the Virginia State Board of Education and four schools, one of which is the Virginia State School which is either the Staunton School or the Hampton School. The 1974-75 directory lists, in addition to the Staunton and Hampton schools, a School for the Gifted and 16 schools administered by the Commonwealth of Virginia Rehabilitation School Authority. Of the 16 schools, seven are located in correctional centers (presumably for juvenile offenders), one is at the State Penitentiary, seven are "Learning Centers", and there is one reception and diagnostic center.

Another reason for the differences between the two lists is that undoubtedly there have been changes since 1967. Litigation against segregated special purpose schools and state initiated reorganization and consolidation have reduced the number of institutions. The increasing emphasis on "mainstreaming" in special education - educating handicapped children in regular public school classrooms - may have reduced enrollments in state-operated schools. Furthermore, the 1967 list was far more inclusive because all state-operated schools were included, whereas the 1973 list purported to identify just those schools operated by state education agencies. The OCR staff members responsible for launching the special purpose schools compliance program in 1973 had no knowledge of the earlier compliance activities of EEOP. Instead of building on previous information and experience, OCR started afresh after the Adams order. The most elementary prerequisite for a compliance program - a reliable data collection and reporting system - has not been established.

The Virginia Schools for the Deaf and Blind

The single instance in which the Office for Civil Rights took any action in the special purpose school area was due to the initiative of one staff member, Harold Davis, in the Philadelphia Regional Office. I was curious to know how OCR knew about the two Virginia schools (they were not on the 1973 list) and why a compliance review was conducted in 1972 before the Adams order. I was told by some staff member that a Title VI complaint had been received, but there was none in the file. The apparent explanation was that Mr. Harold Davis, who knew that Southern states had operated racially

segregated blind and deaf schools, made some phone calls and learned about the existence of the two Virginia schools. He, thereupon, conducted a compliance review.

The Virginia School for the Deaf and Blind at Staunton was established in 1839 for the education of white children. The Virginia State School was established in 1906 at Hampton for Negro deaf and blind children. Both schools are operated by independent Boards of Visitors appointed by the Governor, and they receive annual appropriations from the state legislature.

Mr. Harold Davis visited both schools in June and August of 1972. His report included the following findings:

1. Virginia had maintained an inadequate and inferior school for black deaf and blind children.

2. Vestiges of the dual system remained. The Staunton School had 491 pupils of whom 34 (6%) were black; the 248 staff members included three blacks in the food department and one black teacher who had resigned. The Hampton School had an enrollment of 285 students of whom 33 were white (87% black).

3. White students who lived closer to Hampton attended the Staunton School, and black students who lived closer to Staunton attended Hampton.

4. There was evidence of a discriminatory referral system whereby the Commission for the Blind and the Department of Vocational Rehabilitation referred white students to Staunton and black students to Hampton.

5. The greatest degree of racial discrimination occurred in the dual program for the deaf. A white child at Staunton could obtain a high school diploma and was thereby qualified for college tuition paid by the Department of Vocational Rehabilitation. The Hampton School did not offer a program for deaf children beyond the 10th grade. Black deaf children who had

completed the 10th grade were referred to the Department of Vocational Rehabilitation for placement in a vocational program. OCR did not know where they were referred.

6. There were other disparities between the two schools in the faculty/student ratio, in the value of buildings and in the funding.

On December 6, 1972, Dewey Dodds, the Regional OCR Director, informed then Governor Linwood Holton that Virginia was continuing to operate dual schools for the blind and deaf in violation of Title VI and that a plan for the desegregation of the two institutions was required. Between December 1972 and August 1973, OCR, Virginia's Secretary for Human Affairs, and the superintendents of the two institutions negotiated a desegregation plan. On August 22, 1973, OCR wrote to the Secretary of Human Affairs and the superintendents of the two institutions informing them that it had accepted a one-year interim plan on the condition that Virginia submit a revised plan by May 1, 1974. The interim plan called for the assignment of grades K-7 to the two schools based on children's residences. Interstate Highway 95 was the dividing line of the attendance areas for the two schools. Students in grades 9-12 would continue to attend their present school, with the exception of deaf students in grades 11 and 12 who would all be enrolled at Staunton. An essentially "good faith" recruitment of minority staff members was to be undertaken by both schools, and the existing faculty members were to be encouraged to transfer voluntarily to improve racial balance.

On May 3, 1974, OCR accepted a final plan for desegregation of the two institutions. It provided that all elementary grade blind and deaf students would attend the school in the zone in which they resided and that all deaf secondary students would attend Staunton and all blind secondary students would attend Hampton. No faculty or staff reassignment was required, but active recruitment of minority teachers and staff and solicitation of voluntary transfers of existing staff were approved as a part of the plan.

Four months after OCR had accepted the final desegregation plan, Harold Davis returned to Virginia in September 1974. He found that the two institutions continued to be racially identifiable. The desegregation of the two facilities was less than anticipated because a high proportion of students who would have had to attend school so far away from their homes did not enroll. Most, if not all, of those students enrolled in public school districts near

their homes. Some may simply have dropped out of school. Mr. Davis found that the Hampton School in grades K-7 was 73.8% black and the secondary program for blind students was 43% black. Overall, the Hampton School remained 67% black. The Staunton School was 31% black in grades K-7 and 29% black in the secondary programs for the deaf.

Both schools had a total of 649 students, of whom 40% were black. There were 145 blind students (48% black) and 504 deaf students (38% black). Since blind secondary students were assigned to Hampton, this contributed, in part, to the disproportionately black enrollment at Hampton. Another contributing factor was the location of the school in the eastern half of the state where blacks constitute a higher proportion of the population than they do in the western part of the state. (The city of Richmond was placed in the Staunton zone). Although these two factors may account for the 67% black student enrollment at Hampton, the HEW compliance review found that approximately 30 white students who were to have enrolled at Hampton did not show up. OCR concluded that these students had probably enrolled in local public schools or in private schools. The Staunton facility did not experience any under-enrollment: 120 black students were anticipated, and 133 actually enrolled. The staffs also remained racially identifiable: Hampton's staff was 88% black and Staunton's was 97% white.

Based upon these findings of the compliance review, Harold Davis recommended in September 1974 that OCR require Virginia to submit a plan for further desegregation of students and staff of both schools for the 1975-76 school year. As of February 1976, 17 months later, the Regional Office had not acted on this recommendation.4/

In October 1975 the Regional Office asked for, and obtained, updated enrollment and staff data by race and sex for both institutions. Both schools in 1975 had approximately the same racial proportions as they had in 1974. Additionally, OCR received a complaint in November 1975 alleging that older deaf students were being retained at Hampton instead of being transferred to Staunton as called for in the desegregation plan. OCR wrote to the state asking for an explanation. The Hampton Superintendent responded that the school did not have any secondary students, but that it did have 15 older students, presumably deaf, between the ages of 17 and 20 who were classified as special or ungraded. The state justified the retention of the older deaf students in the vocational track at Hampton on the grounds that they were academically retarded (the average achieve-

4/ On March 5, 1976, I wrote to the Regional Office and asked whether OCR considered the two schools in compliance or out of compliance. No response has been received.

ment level of the 15 students was second grade) and that they needed to develop job skills so that they could leave the school. No explanation was given as to why those 15 students had not been transferred to Staunton. OCR didn't pursue the issue.

In conclusion, in the one instance in which OCR did take some enforcement action, the results were inadequate. Both the interim and the final desegregation plans accepted by OCR were not designed to accomplish effective results. As Davis's 1972 report pointed out, "There is no correlation between teaching blind and deaf students. They require different types of libraries as well as different approaches to teaching. One requires a sign language; the other requires braille. Areas of specialization, i.e., one school for the deaf, the other for the blind, would eliminate present duplication." The file does not reflect that this recommendation was ever considered by the Regional Office or the State of Virginia, although EEOP had recommended it in the 1960's as a viable desegregation technique for special purpose institutions. Having accepted an inadequate plan, OCR subsequently found that the racial identifiability of the institutions had not been eliminated, but no determination has been made on the compliance status of the schools.

PART II - VOCATIONAL SCHOOLS

No category of education is more heavily subsidized by federal money or more infused with state involvement than vocational education. Federal support for education at the state and local levels has developed only within the last decade,[5] but federal financial aid for vocational education dates back 58 years to the Smith-Hughes Act of 1917. The modern day role of the federal government in vocational education stems from the Vocational Education Act of 1963 and the Vocational Education Amendments of 1968.

The 1968 Act is divided into 10 sections: General Provisions (Part A), State Programs (Part B), Research and Training (Part C), Exemplary Programs and Projects (Part D), Residential Programs and Projects (Part E), Consumer and Homemaking Education (Part F), Cooperative Vocational Education Programs (Part G), Work Study Programs (Part H), Curriculum Development (Part I), and Bilingual Vocational Training (Part J). Part E has never been funded, and Congress may repeal that section of the law in 1976. Part B, the major source of funds, includes three "set-asides" for vocational education programs operated by local educational agencies. They are: 15% for disadvantaged persons, defined as those persons whose needs stem from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large; 10% for handicapped persons who by reason of their handicap cannot succeed in regular vocational programs; and 15% for postsecondary vocational education.

In the decade between 1963 and 1973, the federal government spent $3 billion under Part B. In the same period, states and local districts spent $12 billion. In Fiscal Year 1973, an average of 16% of the funding of vocational programs at the state and local level was supported by the federal government.[6]

Congress assigned responsibility for administering federal funds under the Vocational Education Act to a single state agency, the state department of education. In most states, program responsi-

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5/ The major exception is Impact Aid.

6/ General Accounting Office, What is the Role of Federal Financial Assistance for Vocational Education? (December 31, 1974). Reprinted in Vocational and Occupational Education Vol. 1., Hearings before the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor, House of Representatives, February and March, 1975. Hereinafter referred to as GAO Report.

bility is shared by other agencies, but the education department is the delegated agency which submits the annual plan to the Office of Education's Bureau of Occupational and Adult Education and which distributes federal vocational education funds to other state agencies, such as the Division of Community Colleges and local school districts.

A patchwork of administrative responsibility for vocational education has developed over the years in each state. The vocational education structure varies considerably from state to state. In some states local administrative entities are responsible for both secondary and postsecondary vocational programs. These entities may be the regular local educational agency or separately created vocational education districts encompassing one or more school districts.7/ To be eligible for federal funds these local entities must submit an application to the state which satisfies the criteria of federal law. The level of funding they receive depends on the state's distribution practices which also vary considerably. In other states secondary vocational education is provided by local school boards, and postsecondary vocational education is provided by community or junior colleges. In still other states, state agencies operate their own schools which offer secondary or postsecondary vocational education, or both. Furthermore, vocational training at the secondary or postsecondary level is provided in regional or area-wide vocational-technical schools run directly by the state department of education or by a consortium of local districts or by a single district.

There are four major delivery systems for vocational-technical training.8/

1. Secondary Schools

   a. regular comprehensive secondary schools; which offer traditional programs such as typing, home economics, agriculture, and retail sales; some of these schools also have separate vocational wings which provide training in more sophisticated occupations;

   b. comprehensive vocational high schools;

7/ Often these separate districts are established pursuant to state law and their creation must be approved by the state department of education or by the state board of education.

8/ Two others, private, non-profit schools and Manpower Skills Centers, are not considered here.

2. Postsecondary Institutions

a. community and junior colleges which offer certificates or diplomas;

b. postsecondary vocational-technical schools administered by public secondary school systems;

3. Adult Education Programs

Adult education classes provided by both secondary and postsecondary institutions;

4. Area Vocational-Technical Schools (AVTSs)

Since the provision of federal funds for construction of AVTSs made possible by the 1968 amendments, the number of these schools has increased from 405 to 2,148.9/ Many states have used area vocational-technical schools to attract industry, with the promise of training its employees. In FY 73, $228.8 million in federal, state, and local funds were committed for 368 area vocational school construction projects.10/

Area vocational-technical schools (AVTSs) may fall into one of four categories: 11/

a. a specialized high school used exclusively or principally for vocational education;

b. a department of a high school offering no less than five different occupational fields;

c. a vocational or technical school for persons who have completed or left high school;

9/ GAO Report p. 42.

10/ HEW/OE, Office of Planning, Budgeting and Evaluation, Annual Evaluation Report on Programs Administered by the U.S. Office of Education, FY, 1974 p. 154.

11/ 45 CFR §102.3(d)(1).

d. a department of a community college offering at least five different occupational fields.

Fund Distribution and Access to Programs

There are two important aspects of federal law and regulations which impact on the opportunity of black youth to obtain vocational training which will prepare them for the labor market and determine which occupations they will enter. One is the method of distributing federal funds within a state to local school systems; the other is the question of access.

Eighty percent (80%) of funds under the Vocational Education Act is in the form of grants to states authorized by Part B of the Act. States must match federal money dollar for dollar. The method of distributing Part B funds to local districts is left to the states as long as they give "due consideration" to four criteria spelled out in the Act:

1. the current, projected, and newly emerging manpower needs and job opportunities;

2. the vocational needs of different persons, i.e. those in high school, those out of high school, those already in the labor market, those who are disadvantaged and handicapped;

3. the relative fiscal ability of communities, high priority to be given to economically depressed, high unemployment areas;

4. the relative costs of programs and services due to variations in wage and price levels and other economic conditions.

States have developed their own criteria and methods for distributing Part B funds, and the distribution is typically weighted toward rural areas and small towns. In FY 75 for instance, 51% of federal vocational education funds were used in metropolitan areas where 69% of the nation's population resided.12/ In the 1972-73 school year, 47% of the secondary vocational education classes were located in small cities, 22% were in rural areas, and 16% were in large cities. Of the postsecondary classes offered by secondary school districts, 41% were located in small cities, 27% were loca-

12/ GAO Report p. 27.

ted in the suburbs of large cities, and 12% were located in large cities.13/ As these figures suggest, black youngsters, especially those in central cities, have relatively less access to vocational programs. Although the Act directs states to consider as priorities areas of high unemployment and economic depression, rural and semi-rural areas of high need get relatively more attention than cities.

Access to vocational programs is encouraged by federal regulations:

> "In determining which individuals shall have access to programs of vocational instruction offered within the state, consideration will be given to all individuals residing in the State" (45 CFR §102.4(d)(1)).

If a student lives in one district that does not offer the programs he desires, he

> "...shall be permitted to enroll, in accordance with policies and procedures established by the state board or local educational agencies involved, in a program of instruction offered by another local educational agency...." (45 CFR §102.4(d)(1)).

Furthermore, the regulations provide that

> "To the extent that facilities are available, each type of program offered by the State Board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district. The fact that an individual resides in a certain attendance area within the district or community shall not preclude his access to a program of instruction available to other individuals

13/ HEW/OE, Vocational Education: Characteristics of Students and Staff, Table 137, p. 182 (1972). (Hereinafter referred to as Characteristics). This survey covered only vocational education in secondary districts, and consequently did not cover a substantial portion of the postsecondary and adult enrollment.

> residing in other attendance areas... within the district or community, if access to a reasonably comparable program is not otherwise available to him." (45 CFR §102.4 (d)(2).

Finally, students who do not have a high school diploma may not be deprived from attending vocational schools.14/

Racial Characteristics of Vocational Students, Staff, and Programs

Minority student enrollment in secondary vocational education is higher than the proportion of minority students in high school generally. In the 1970 Census, 14% of all high school students were non-white.15/ In the 1972-73 school year, 23% of the total secondary vocational enrollment was non-white.16/ Fifty-none percent (59%) of the black enrollment was female.17/ Vocational instruction often provides the opportunity for part-time work experience through work study and cooperative education programs. The ability to earn income while in school is an important feature of many vocational schools. However, black students do not get quite the same opportunity to work as white students. For black students, 41% work 1-14 hours per week, while the comparable figure for white students is 34%. Thirty-eight percent (38%) of the black students worked 15-34 hours a week, but 45% of the white students worked that many hours.18/

The national distribution of black students in secondary vocational programs is shown in the table below:19/

Program	% of all black students
home economics (occupational)	6.2%
home economics (homemaking)	23.3
office and business	28.0
trades and industry	21.6
technical education	1.7
agriculture	10.8
distributive education	7.0
health	1.3

14/ 45 CFR §102.3(d)(2) and §102.3(u).
15/ U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1972, Table No. 162.
16/ Characteristics, p. 9. These enrollment data are based on enrollees in each course, not students.
17/ Id., Table 7, p. 80.
18/ Id., Table 55, p. 133.
19/ Id., Table 6, p. 78.

Black representation among vocational instructors is exceptionally low - 8% of the total. Approximately one-third of them are teaching in trades and industry programs. Another third are teaching home economics. Black vocational instructors are equally divided between men and women. There are salary differentials between black and white instructors. Thirty-six percent (36%) of the black teachers earned less than $9,000 a year while 32% of the white teachers earned that much. Thirty-five percent (35%) of the black teachers and 34% of the white teachers earned $11,000 and over, however, only 4% of the black teachers but 16% of the white teachers earned more than $13,000.20/

Office for Civil Rights' Compliance Efforts

In the year following the District Court Order of February 1973, OCR began planning a compliance program, including a survey of schools, Pilot Reviews in five states, the development of a compliance guide and a one-day training session for Regional Office staffs.

OCR chose to focus its data collection and compliance program on the 1507 area vocational education schools (AVESs) offering secondary and postsecondary programs irrespective of whether they were administered by states or by local jurisdictions. These are the schools that have "escaped scrutiny for compliance with Title VI" because they are not always administered by school districts "as OCR has known and dealt with them."21/ Exempted from the compliance focus were comprehensive high schools offering five or more vocational programs and postsecondary institutions because those schools "would normally be monitored or reviewed as a part of the enforcement program for a school district administration."22/ Thus, from its very inception, the compliance program did not concentrate on vocational schools administered or operated by a state department of education or on state responsibility for the operation of schools which are locally administered.

20/ Id., Table 127, p. 177.

21/ Office for Civil Rights, A Guide to Compliance Enforcement in Area Vocational-Educational Schools, p. 2 (undated). Hereinafter referred to as OCR Manual.

22/ Rarely does OCR review vocational departments in high schools when doing a compliance review of a local educational agency. In some states which are implementing postsecondary desegregation plans pursuant to the Adams court order, OCR has commented on the clustering of minority students in certain vocational programs in community colleges and their underrepresentation in college transfer programs. In no instance has this situation led to a finding of non-compliance.

In the Spring of 1974 OCR conducted a survey of students, faculty, and programs in 1507 AVESs of which 711 were secondary schools and 796 were postsecondary institutions. The survey forms report student enrollment by race and sex in 174 programs in eight broad occupational categories. Instructional staff data are reported by occupational category. Student enrollment in apprenticeship programs is also contained in the survey.

OCR's survey of 1,000 forms received as of April 10, 1974, revealed 67 schools which required immediate attention. Nine schools were all black and 10 were all white. Thirty-one schools had low minority enrollments. Seventeen schools enrolled students of a single sex. Some states, i.e. Delaware, Virginia, Florida, are not on the list, probably because the forms were not returned by April 1974.23/ The Policy and Program Development Branch, which was in charge of initiating the compliance program and analyzing the survey results, has not done any subsequent analysis of survey forms that came in after April 1974.

Priorities

The OCR Compliance Manual discusses priorities for enforcement procedures to be undertaken by Regional Offices. The first priority was to be given to all-black and single-sex schools. For the purpose of considering an AVES suspect, the Manual proscribed a 5% rule. If black enrollment in an AVES serving an area with a "significant" percentage of minorities exceeded by 5% the black percentage in the population, that constituted grounds for "arousing suspicion." The Manual proclaimed that "each of the all-minority area vocational schools must be given on-site reviews. Not only do they spell dual school systems but they also have to be explained to Judge Pratt...." It further notes that six of the all-black AVESs are in Alabama and Louisiana and that "this means they may be involved to some degree in a court order." An agreement with the Civil Rights Division of the Department of Justice would have to be worked out, the Manual suggests, to determine which agency has responsibility.

As of Spring 1976, none of the all-black AVESs had been reviewed, although one, Carver Vocational High School in Baltimore, was included as a part of OCR's enforcement activities in that city. None of the other schools was ever discussed with the Department of Justice. While the Alabama schools are covered by Lee v. Macon, it is difficult to understand why Louisiana schools should have been referred to Justice.

23/ A list by HEW region of the AVESs with obvious compliance problems is attached.

The second priority identified in the Manual was single-sex institutions. The Manual notes that pursuant to Title IX vocational schools with a single-sex admissions policy were to have plans for eliminating admissions barriers submitted and approved by June 24, 1973. As of Spring 1974 no plans had been approved. The 17 single-sex institutions were all to be reviewed on-site, and plans for eliminating sex barriers to admissions were to be negotiated. There are five single-sex institutions in Regions III, IV, and VI identified in the Manual. With the exception of the Jane Addams Vocational School in Baltimore,24/ none of these schools has received any attention from OCR.

AVESs with low minority enrollment and low, or no, minority faculty were the third enforcement priority. The Manual suggested that Regional Offices initiate correspondence with those institutions first, and then conduct on-site reviews as soon as possible.

Compliance Issues

The Manual addresses four possible areas of race and sex discrimination to be covered in compliance reviews: admissions, recruitment and counseling, job placement and apprentice training, and gerrymandering. Three and a half pages of model questions and suggested leads are provided.

The Manual notes that discrimination is likely to be more pervasive in secondary rather than postsecondary area vocational schools, since postsecondary AVESs are open enrollment institutions.25/ In contrast secondary AVESs have total control over admissions and can be quite selective in their admissions policies. "Rarely is it equipped to accept and instruct every applicant from... sending high schools, and consequently it must establish a quota system... to limit total enrollment... and class size in courses offered... [Q]uotas can be discriminatory against minorities." The

24/ As a part of its enforcement activities against the Baltimore Public Schools, OCR required the elimination of the single-sex admissions policy at Jane Addams and Samuel Gompers Vocational Schools. In a May 1975 letter to OCR, Baltimore said that the Jane Addams School would be phased out. However, the school was still in operation in the Spring of 1976.

25/ While it is generally true that they are open enrollment institutions, many postsecondary AVESs administer a vocational aptitude test and may deny enrollment in certain programs on the basis of a student's test performance. Further, for reasons of space, students may be denied admission to the course of their choice.

existence of a quota system together with the role of sending school counselors in recommending students can result in the tracking of minority students into low-paying,or nonoccupational, courses and away from the more sophisticated vocational training. The potential for tracking minority youngsters is further augmented by the fact that sending high schools frequently offer their own vocational programs which are limited in scope and occupational possibilities, and students may be steered to these courses rather than to the area vocational schools with the broader range of programs, some of which could lead to very well-paying jobs. Such possibilities, however, would escape OCR's attention because the compliance program did not encompass the sending schools and the role they play in determining which programs students get into.

In its discussion of recruitment the Manual comments that some vocational courses offered at secondary AVESs require prerequisites. As early as the junior high grades, students must know what classes they should take in order to qualify for admission to certain programs. Sending counselors handle pre-vocational orientation and testing (usually aptitude tests) and, in consultation with AVES counselors, select students for admission to specific courses. The situation at postsecondary institutions is much different. As the Manual notes, because these institutions receive financial support from state legislatures, they are more interested in retaining students than rejecting them.26/ Consequently, AVESs may have to recruit to keep the school in business. AVES counselors are responsible for guiding applicants toward the type of vocational training for which students are best suited.

Finally, the Manual suggests that where recruiting brochures show no black faces and only male or female faces in certain sex stereotyped courses, "something is wrong."

Actual course placement is a critical issue which the Manual addresses only with regard to sex: "Most of the 1,000 schools show that a majority of their courses and programs enroll only one

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26/ The practice, however, in some postsecondary AVESs is to disenroll a student as soon as he/she has acquired sufficient skills to obtain a job, rather than permitting the student to acquire additional training that might lead to better-paying work. This practice allows the school to make room for someone on the waiting list. See discussion of the Shreveport-Bossier Vocational-Technical Center below. In addition, state vocational education departments often set minimum course enrollment requirements as a condition of state support. Therefore, AVESs must find students to insure minimal course subscription.

sex.... If the AVES has a policy which automatically refuses admission to a course on the basis of sex, the AVES is in violation, and must take corrective action." The Manual does not address the question of predominantly minority, predominantly white, all-white, or predominantly one-sex enrollment. OCR operates on the "smoking gun" theory of compliance. Unless there is an open sex or race barrier (or quota for one-sex) or unless administrators admit they steer students, no compliance problem exists. Neither does predominantly minority enrollment in traditionally low-paying occupations raise a Title VI compliance issue.

Job placement and apprenticeship training is discussed with respect to both secondary and postsecondary institutions. Since there is a close working relationship between business and industry and the AVES, job placement officers, or more usually instructors, are key to helping students find jobs. The Manual does say that if an unspoken "understanding" exists between instructors and employers that women or minorities are not to be referred, that "understanding" should be established and documented, but it does not suggest how to go about doing it.

The lease of AVES facilities to unions for apprenticeship programs that have no minorities or women is a significant compliance issue which the Manual raises but does not answer. "The Office of General Counsel is working on an answer", the Manual says. However, the Office of General Counsel has never developed a policy.[27]

In the meantime, compliance reviews should find out the details of agreements between AVESs and unions that use school facilities.

The Manual also addresses the question of gerrymandering of secondary AVESs:

> "Not infrequently, the member school districtsof an AVES will have found it desirable to have their vocational education facilities constructed on sites so far removed from urban centers (where the minorities live) that minorities find it inconvenient if not impossible to travel to them. This practice has been found to occur in Massachusetts, New Jersey and Pennsylvania. When the contractual agree-

27/ Interview with Jack Gould, Office of General Counsel, HEW, April 2, 1976.

> ments among several school districts are being drawn up, districts with large minority populations are sometimes not asked to participate. Or, as it may happen when an urban center is part of the agreement, the AVES may be built in remote suburban areas so far from downtown that only a small number of minorities will endure the travel involved. This is discrimination."

When discussing gerrymandering in postsecondary AVES, the Manual comments:

> "If a postsecondary AVES should refuse to admit a minority or female student on the grounds he or she does not live in the service area, something is wrong."28/

There are several areas where the Manual is deficient. It does not explore whether discrimination might exist in the use of the disadvantaged and handicapped "set-asides" where they fund separate programs or whether the funding distribution schemes of the state might reinforce institutional patterns of discrimination. Neither did the Manual raise the issue of possible discrimination in work study or cooperative education. The fact that OCR apparently has no sensitivity to these issues and has developed no compliance standards in these areas reveals its narrow approach to enforcing the laws.

In addition to preparing the Manual, the Policy and Program Development Branch conducted a one-day training program for Regional Office staff in conducting compliance reviews of area vocational education schools. There is no written record of this meeting. Most OCR regional staff members who have done vocational school reviews said they had not attended the meeting.

Title IX Manual

On September 17, 1975, the Elementary and Secondary Education Division of the Office for Civil Rights issued its Manual on Enforcing Title IX of the Education Amendments of 1972 in Pre-School, Elementary, Secondary and Vocational Schools. Regret-

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28/ The Manual does not say that the something wrong is a possible violation of 45 CFR §102.4(d)(2).

tably, Regional Office staff did not have the benefit of this Manual when conducting Title IX and Title VI compliance reviews of area vocational schools. Had they had the guidance which the Manual provides, compliance reviews in the area of sex discrimination would have been much better.

The Title IX Manual enunciates nine basic principles specifically directed at the admission and recruitment practices of vocational schools. In addition other sections governing course offerings, student services, and employment practices are also applicable to vocational schools. The Title IX Manual not only sets forth compliance policies, but it also gives detailed instructions on what data are to be gathered, what factual circumstances give rise to a violation, how to analyze information collected, and how to write letters of findings.

The basic principles applicable to admissions to vocational schools include:

1. Eligibility - Admissions criteria may not be based on any rule concerning the actual or potential parental, family, or marital status of an applicant. No pre-admission inquiries may be made of an applicant's pregnancy, childbirth, termination of, or recovery from, pregnancy. Nor may preadmissions inquiries of a candidate's marital status be made.

2. Quotas - No preference, numerical limitations, or other admissions criteria may be made on the basis of sex.

3. Tests - "Vocational schools may not use tests or other admissions criteria which have a disproportionately adverse effect on persons on the basis of sex unless the use of such tests or criteria are shown to predict valid success in the program or activities in question and alternative tests or other criteria which do not have such a disproportionately adverse effect are shown to be unavailable."

OCR's application of the legal concept of adverse impact to admissions requirements is borrowed directly from principles developed

in the area of racial discrimination in employment, yet OCR has applied this principle only to adverse sexual impact, not to adverse racial impact. OCR has not determined the extent to which the racially adverse impact of admissions criteria is controlling in making a finding of a Title VI violation.

Course offerings is another issue where OCR has developed explicit compliance policy with regard to Title IX, but not to Title VI. The Title IX Manual states:

> "The presence of disproportionate numbers of members of one sex or solely members of one sex in a course, group, or courses or programs is not automatically a violation of Title IX. If students of one sex have been excluded from or required to take such courses, ...if course descriptions have indicated that members of one sex have been preferred as enrollees or that the course was primarily designed for participation by members of one sex, or if students of one sex have been discouraged from enrolling by faculty, counselors, or other officials or have only been permitted to enroll if spaces were left after members of the opposite sex enrolled , a recipient must take active steps to enroll students of the sex previously excluded or given less preference."

OCR has not developed any comparable Title VI policy for vocational schools in which a preponderance of blacks is concentrated in certain courses leading to lowpaying or traditionally menial jobs which are disproportionately held by blacks.

Pilot Reviews

The Pilot Reviews in five states - Arkansas, California, Georgia, North Carolina, and Pennsylvania - were conducted by the Office for Civil Rights in Washington to gain firsthand experience with area vocational education schools. They were not considered to be compliance reviews. The five states were choosen for a variety of reasons, but primarily because they represented a cross section of different systems of administration and governance. Following each Pilot Review, OCR/Washington wrote to the responsi-

ble state official describing the Title VI and Title IX findings, and in some cases, required corrective action. In a few instances, OCR was successful in obtaining remedies, such as elimination of a curfew for female students and the requirement of a high school diploma for admissions. On more complex problems such as gerrymandering, dual course offerings, and predominantly male or female course enrollment, OCR failed to follow through after initially raising the issue with the state. The Pilot Reviews did address state agency administration and responsibility for the operation of vocational schools, but this model for compliance reviews was not adopted by the Regional Offices.

ARKANSAS

The Arkansas State Board of Vocational Education operates 16 post-secondary area vocational schools throughout the state. The director of each school is appointed by the Board and all staff members are state employees. There are no local boards of trustees. In the Summer of 1973 OCR reviewed the Southwest Technical School and the Oil Belt Vocational and Technical School in addition to gathering statewide information from the Office of Vocational, Technical, and Adult Education of the Arkansas Department of Education. In its letter of findings,29/ OCR raised four compliance issues:

1. OCR found that the Southwest Technical Institute admitted only students who had a high school diploma or GED certificate. OCR's letter noted that not only was the requirement in violation of 45 CFR §102.3 (d)(2), but that it deterred black applicants who did not have a diploma or certificate. Both the Institute and the state had already informed OCR that the requirement would be dropped, but OCR wanted to know how the public would be informed of the policy change and the selection procedure for admitting students without a diploma.

2. Southwest Institute imposed a curfew restriction on resident female students in violation of Title IX. The Institute's Director told the review team upon

29/ Letter to Arch Ford, Director of Education, State Department of Education, from Lloyd Henderson, January 24, 1974.

instructions from the state department, he would drop the curfew. OCR asked Superintendent Ford to take that action immediately.

3. At both AVESs OCR observed that student enrollment and faculty assignment in courses were clearly identifiable by sex. OCR "strongly recommended" that student counseling procedures and faculty employment be reviewed to insure that the predominance of men or women in certain occupations was not due to discrimination on the basis of sex. OCR made no specific recommendation or requirements but asked to be informed of the steps the state would take "to assure that all programs are administered so that there can be no discrimination on the basis of sex."

4. Neither Southwest or Oil Belt had any minority staff or administrators. Indeed, OCR pointed out that there were 17 minority professionals in all 14 of Arkansas' area vocational schools and that only two had been hired for two new AVESs. OCR considered such statistical evidence to raise serious questions with regard to existing vestiges of the dual system in Arkansas.30/ The Director of the Southwest Institute informed OCR during the review that recruitment was done only at predominantly white institutions of higher learning. OCR's policy on this issue was strong and unequivocal:

> "In view of the serious lack of minority professional representation in area vocational-technical schools and particularly in view of the fact that there has been no state direction to area vocational school officials to extend faculty recruitment

30/ OCR's letter cited 45 CFR §80.3(b)(6) as amended July 5, 1973.

> to predominantly black teacher training institutions, the State Board of Vocational Education, as the prime recipient of Federal financial assistance for the schools under its direction, may be considered at this time to be in danger of being found in non-compliance with Title VI...."

OCR required Arkansas to develop and implement an affirmative action plan to overcome the "serious disproportion of minority faculty and administration in the area vocational schools..." and to submit to OCR a plan, including objectives and a timetable.

Within one week Superintendent Ford responded to Lloyd Henderson's letter.31/ He indicated that Arkansas had already taken corrective action on the diploma requirement and the curfew. In response to OCR's concern about sexually identifiable student enrollment and faculty hiring, the state superintendent pointed to the three male instructors in courses that "are the province of women at Southwest," but did not respond to OCR's recommendation concerning student counseling or faculty employment procedures to correct predominantly one sex courses. In subsequent correspondence with Arkansas, OCR never again raised the issue. Ford did, however, submit an Affirmative Action Plan for employing minorities and women which had been approved by the State Board.

OCR's next move came five months later in a strong letter from Lloyd Henderson to Arch Ford regarding the inadequacies of the Affirmative Action Plan.32/ OCR asked Arkansas to submit within 60 days a revised affirmative action plan for the AVESs including goals and timetables. Ten days later Arkansas sent a revised plan which, according to Arch Ford, included goals and timetables. OCR's action on this issue came to naught because the plan was either lost in the mail or lost in OCR. On September 23, 1974,

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31/ Letter from Arch Ford to Lloyd Henderson, January 31, 1974.

32/ Letter from Lloyd Henderson to Arch Ford, July 9, 1974. "... [W]ithout a well defined time frame, the statistics in the plan and any other available data are virtually useless. The question 'How is the goal to be accomplished?' is never ansered, nor is the question 'How did the current situation arise in the first place and how can it be prevented from reoccurring?'"

and again on November 20, 1974, OCR wrote to Arkansas saying it had not received the plan. The November letter was the last piece of correspondence on the subject. The plan was nowhere to be found in the files of the Program and Policy Branch.

Another unresolved matter left over from the Arkansas Pilot Review is the issue of job placement.[33/] The Arkansas Employment Security Division, rather than the area vocational school , is responsible for placement of graduates, but OCR learned that the director of one of the Division's local offices had refused to place black graduates of Southwest Institute and Oil Belt Vocational School. Mr. Gerard said that he brought this situation to the attention of the Department of Labor (DOL) but got a "very cool reception." DOL was not prepared to take any action, and OCR considered it out of its jurisdiction, so the matter of discriminatory job placement was dropped. OCR never wrote to either DOL or the Arkansas Employment Security Division concerning the matter.

Finally, OCR put Arkansas on notice that its reviews of Southwest and Oil Belt were only a "prelude to the fulfillment of our compliance responsibilities.... Our Regional Office in Dallas, Texas, will be engaged in compliance activities with regard to other area vocational schools in your state." The Dallas Office never followed up.

CALIFORNIA

The area vocational education schools in California are part of the 91 community colleges which are administered by 85 community college districts, each of which is administered by an elected board of trustees. In addition to postsecondary vocational programs offered in the community colleges, California has secondary vocational training in regular high schools and in Regional Occupational Centers, an outgrowth of countywide vocational high schools authorized by the California legislature in 1963. Postsecondary vocational instruction in California's community colleges is open to high school graduates, youths 18 years or older who are able to profit by instruction, and to apprentices 16 years and older.

OCR chose to review City College of San Francisco Community College and Hartnell College in Salinas. While blacks represented 13.4% and Spanish-surnamed represented 14.2% of the 1970 Census

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33/ OCR did not analyze the apprenticeship programs which were available in all but two of Arkansas' AVESs.

in San Francisco County, blacks constituted 14% of City College's total enrollment and Spanish-surnamed constituted only 8% in the Spring of 1973.[34] These figures, however, do not reflect the breakdown of the vocational programs which OCR was inexplicably not able to obtain. OCR's On-Site Report notes that there are no special requirements for admission to the College, with the exceptions of nursing, respiratory medical aide, and orthopedic medical aide for which a certain score on initial placement tests is required. Furthermore, applicants who do not possess a high school diploma and who are found to be unprepared for college work are referred to the adult division for remedial work. Unfortunately, the OCR review team did not pursue the obvious implications of these facts for tracking minority students.

The OCR On-Site Report makes passing reference to employment at the City College of San Francisco: 28 of the 216 courses were taught by minority instructors and 51 by female instructors; 42% of the counselors were minorities and 79% were male. On the subject of job placement, the Report comments: "Women graduates of vocational education are placed in lower-paying jobs than are male graduates. This is due to the programs they choose in the first place." Other than this gratuitous statement, the Report contains no information whatsoever on the job placement of minorities or women.

The only problem that OCR could identify was a reference to "any male student" in a pamphlet in "Careers in Protective Services." The On-Site Report concluded: "...minorities and women appear to have been underrepresented in the past, with minorities making fairly good increases in the past few years. Women continue to be strongly underrepresented in most vocational courses." Suffice it to say, without any data for vocational courses, adult remedial courses, and college preparatory enrollment by race and sex, it cannot be said that OCR really did a genuine vocational school review of the City College of San Francisco.

At Hartnell College in Salinas, OCR obtained much more concrete information. Until 1962 the College was all white. In September 1973 the College's total enrollment was about 3,000 students of whom 1,000 were in vocational courses. According to OCR the service area was approximately 42% minority, but only 28% of the College's vocational program enrollment was minority. Three per-

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34/ The comparable figures for other minorities are: Asians (9.8% of the population, 18% of the enrollment); Filipino (3.5% of the population, 6% of the enrollment); American Indian (.4% of the population, 1% of the enrollment); other minorities (1% of the population, 2% of the enrollment).

cent of the 90 member faculty was minority. Vocational class enrollment is largely white. For example:

> Administration of Justice - 685 enrollees, 142 minorities (21%), 99 women (14%);
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> Agriculture[35/] - 1,032 enrollees, 59 minorities (6%) of whom 32 are Spanish-surnamed;
>
> Business - 2,309 enrollees, 941 women (41%) are clustered almost entirely in typing and steno; while men predominate in business law, federal income tax, office management, real estate, and investment;
>
> Computer Science - no statistics are provided but OCR's Report comments: "almost entirely white male";
>
> Nursing - 336 enrollees 284 females (85%), 88 minorities (26%);
>
> Technology - 1,834 enrollees, 67 females (4%). Of the 14 sections of auto technology, one section had 26 female students in a class of 28.

OCR's report on Hartnell College says that admission is "automatic" for anyone who is 18 years old and a resident of Hartnell Community College District. However, once admitted, students are tested in math and English, and if they score poorly, they are not permitted to enroll in vocational classes but are instead referred to remedial courses. This practice may well explain the underrepresentation of minorities in vocational programs. It also should have aroused OCR's interest in the racial composition of the remedial courses, but the report says nothing on that subject. The report is also silent as to whether students in remedial classes could simultaneously pursue vocational training or whether they were ever able to enroll in vocational courses of their choice. OCR's review simply overlooked the obvious racial implications of

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35/ Salinas, where Hartnell is located, is a major agricultural center with a substantial number of Chicano and black farm workers.

Hartnell's not-so-automatic admissions practices.[36]

In addition to its visits to Hartnell College and the City College of San Francisco, the OCR review team examined enrollment and faculty data for nearly 100 community colleges in California. The Pilot Review in this state, unlike the four others, was exceedingly superficial. The letter of "preliminary conclusions" to the Chancellor of the California Community College System reflects its poor quality.[37] The letter states that "generally, the percentage of minority enrollment in the vocational education departments of each institution reasonably approximates the percentage of minority persons in the population of the areas served by the school." (Emphasis added). That statement is patently not true for Hartnell College. Nevertheless, OCR concludes that admission to vocational courses in California's community colleges is free of discrimination. No mention is made of the practice of tracking students into remedial courses or requiring a high school diploma at City College of San Francisco.

OCR's letter further notes the lack of minority vocational instructors in a number of community colleges and suggests that "whenever possible, recruiting procedures should include efforts to seek out qualified minority candidates for employment."[38] Unlike Arkansas,

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36/ The Vocational Education Act does not explicitly prohibit such practices, however 45 CFR §102.6(c) provides for curriculum modification and supplementary educational services for those students who lack the skills necessary for participation in regular vocational training. Thus, a vocational school could offer two sections of the same course: a 10 month course for those without the requisite skills which includes extra remedial help and a shorter course for those who can handle normal curriculum. Students in both classes emerge with the same occupational preparation.

37/ Letter to Sidney Brossman from Lloyd Henderson, October 3, 1974. Although community colleges are administered by their own boards, OCR advised the Chancellor of its findings because the community colleges are governed by the Board of Govérnors of California Community Colleges. OCR's file did not contain an answer from the Chancellor.

38/ Prior to the letter to Chancellor Brossman, OCR sent a virtually identical letter to State Superintendent Wilson Riles. That letter contained a stronger statement on employment of minorities: "...the information at hand strongly suggests a compliance problem in many institutions."

California was not asked to submit an affirmative action plan to remedy this problem. The only concrete violation that OCR could identify from its Pilot Review was the reference to "men" in the Fire Fighting Science brochure at City College of San Francisco. OCR did not go as far as to require that similar references to one sex in the literature of other schools be identified and corrected.

The clearest indication of the superficiality of the Pilot Review is the closing comment in OCR's letter: "If possible it would be particularly helpful to learn whether California is developing measures to preclude the possibility of discrimination on the basis of sex in vocational programs as it would affect faculty members as well as students, and also to expand opportunities to minority persons who are capable of becoming instructors and administrators in those programs." One would think that the Pilot Review should have included the answers to those questions.

GEORGIA

Georgia has 26 postsecondary area vocational schools. Two are residential schools which are administered directly by the state. Twenty-three are administered by county or city boards of education, and one is operated by a junior college. The state's Division of Vocational Education controls policy, curriculum standards, course entrance requirements, counseling and placement of students, use of facilities by labor unions, and employment at all AVESs. Ninety percent (90%) of the funding in these 26 schools comes from state and federal appropriations. The Pilot Review included one state-operated residential AVES, the South Georgia Area Vocational Technical School in Americus, and the Augusta Area Vocational School administered by the Richmond County Board of Education.

At the time of OCR's visit in March 1973, the Augusta AVES had two branches - one 85% white with a nearly all-white faculty and the other 70% black with a two-thirds black faculty. Five courses were duplicated at the two branches. In addition, there were two other facilities. One housed health and nursing courses in which most of the students were white females and the staff was totally white female. Home economics and food services were located in a fourth facility; most of the students and faculty in these programs were white women. Four apprenticeship programs were offered at one of the branches, and black students participated in each apprentice class. The OCR team observed better facilities and equipment at the predominantly white branch. Two black administrators were earning a lower salary than comparable white administrators. One of them, the Coordinator of Student Personnel, had his office at the predominantly black branch, although all the white administrators were located at the school's headquarters in

the predominantly white branch. The other, the Associate Director of Secondary Education, was in fact the director of the predominantly black branch.

The South Georgia AVES operated by the Georgia Department of Education enrolled 418 students of whom 158 lived in dormitories. Female students were subjected to a curfew. Twenty-nine percent (29%) of the student body was black.39/ The 82 members of the faculty and administration were all white. The school's explanation for its all-white staff (black kitchen workers and janitors excepted) was that employees were hired through the State Merit System. The school can refer black applicants to the State for consideration, but the Director had no black candidates for six professional vacancies in a two year period.

OCR reviewed statistical data from all 26 of the state's AVESs. the OCR report notes that the "percentage of black enrollment in area vocational schools corresponds to the overall percentage of blacks in the schools' service area," but that the "degree of integration does not necessarily extend to each course." None of the AVESs has entrance requirements. Admission is based on space available and on aptitude tests, however no student is denied entrance solely on the results of this aptitude test. The Pilot Review did not examine the extent to which black students were admitted to their chosen field or occupational training or why certain classes did not reflect the approximate proportion of blacks attending the schools.

Although OCR's Pilot Review of Georgia uncovered three significant discrimination problems (the racially dual vocational schools in Richmond County, prima facie employment discrimination in the State Merit System, and the female curfew), OCR/Washington's letter to State Superintendent Jack Nix was toothless.40/ Indeed it states that OCR's review was not a compliance review at all:

> "There are three general areas which raise questions of compliance with the aforementioned statutes. As indicated, because the survey team went to Georgia with other objectives, it did not seek to compile the conclusive evidence that

39/ OCR's On-Site Visit Report contains no class enrollment figures by race.

40/ Letter to Jack Nix from Lloyd Henderson, July 23, 1973.

> is necessary to establish a clear case of discrimination under Title VI and Title IX. We believe, nonetheless, that the compliance questions in these three areas are sufficient to warrant a full scale compliance review at some future date in keeping with our statutory obligations."

OCR simply asked Superintendent Nix for his comments and a "response as to whether the Department will consider any corrective action and if so, the nature of that action."

OCR received a characteristic Jack Nix response.41/ Superintendent Nix said he would inform officials of the State Merit System of OCR's letter. With regard to the black and white branches of the Augusta AVES, Superintendent Nix informed OCR that students attended these schools on a free choice basis. The state did not have sufficient funds to build one central building to house all courses, but its long range plans contemplated a centralized facility. On the issue of the curfew, Superintendent Nix became histrionic. Because parents entrusted their daughters to "us", we have to protect these girls in their home away from home:

> "Being a man, and possibly a father, you can readily understand why there must be protection for these girls.... Dr. Henderson, you may have to take me to federal court to make me change this policy, for I believe the 'findings' as they concern compliance in this instance are ridiculous."

OCR's next communication to Jack Nix was much stronger than the first.42/ Indeed, one wonders why OCR did not take such a firm posture initially. OCR informed Superintendent Nix that, although employees at the state-operated vocational schools were selected from State Merit System lists, the State Board of Vocational Education was the employer and was thus responsible for eliminating discrimination. The Board must either insist that the State Merit

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41/ Letter from Jack Nix to Lloyd Henderson, September 10, 1973. The letter begins: "It still amazes me when federal policies, statutes and/or court orders ignore sound educational policies and procedures."

42/ Letter from Lloyd Henderson to Jack Nix, November 15, 1973.

System overcome discrimination in minority faculty recruitment, or it must undertake its own recruitment. The two branches of the Augusta AVES were, OCR declared, a vestige of the racially separate dual system in Richmond County and the dual course offerings must be eliminated by relocating courses. In lieu of such relocation, OCR told Superintendent Nix that "the racial identifiability of courses and the assignment of faculty and administrators on a racial basis... constitute non-compliance with the Civil Rights Act of 1964." OCR's position on the curfew was similarly direct. In order for the State Board of Vocational Education to be in compliance with Title IX, the separate curfew for women students must be abolished, or a curfew should be imposed on all students.

The only other letter in OCR/Washington files is one from Jack Nix in which the Georgia Superintendent informed OCR that:

1. the curfew at South Georgia Technical-vocational school was no longer being enforced by the school's director;

2. the State Merit System was informed of possible employment discrimination at South Georgia. The State Merit System's affirmative action plan was being revised in coordination with the Regional Office of the U.S. Civil Service Commission. The state education department would monitor the implementation of the plan to assure compliance with Title VI;

3. the Richmond County Board of Education has been advised of OCR's "criticism", and Superintendent Nix concluded: "I assume they are in compliance."43/

In summary, the only concrete result of the Georgia Pilot Review was the elimination of the curfew. Unofficially, OCR learned that the Augusta AVES Coordinator of Student Personnel's salary had been upgraded and that his office had been relocated to the school's administrative headquarters.

Although OCR/Washington promised a full-scale review of Georgia's AVES, the Atlanta Regional Office subsequently reviewed only two

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43/ Letter from Jack Nix to Lloyd Henderson, April 22, 1974.

schools and found both in compliance.[44] No compliance review of the second state-operated residential AVES is scheduled by the Atlanta Regional Office. Despite OCR's brief attempt to make the Georgia Department of Education responsible for the paucity of minority vocational instructors and administrators, neither Washington nor Atlanta have pursued the matter. The Atlanta Regional Office received a complaint against the area vocational schools in Georgia from a black man who had made several employment applications, including one to the appropriate state office. OCR found insufficient evidence of discrimination.[45] What is even more distressing than OCR's failure to follow up on compliance problems uncovered by the Pilot Review is the attitude of Atlanta's Elementary and Secondary Branch Chief toward vocational schools in Region IV. Lamar Clements believes that "the compliance problems in vocational education are not so substantial as to warrant high priority" for his staff.

NORTH CAROLINA

The 57 postsecondary area vocational schools are all administered by the North Carolina Community College System.[46] Only 16 of the 57 AVESs are actually a part of a community college. The other 41 are technical institutes, each administered by its own eight member board which is locally appointed. If a technical institute becomes a community college, it is then governed by a 12 member board appointed solely by the governor. The State Board of Education is the major policy-making agency for the area vocational schools.

The report of OCR's Pilot Review states that North Carolina has an "open door" admissions policy[47] and that the ratio of blacks in

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44/ Unlike the Pilot Reviews, the letters of findings were sent to the county superintendents who administered the schools rather than to Superintendent Nix. See discussion of these two reviews, pages 58-60.

45/ See discussion below, pages 62-63.

46/ The Community College System is included in The Revised North Carolina State Plan for the Further Elimination of Racial Duality in the Public Postsecondary Education Systems (Hereinafter referred to as The North Carolina Plan)and is thereby subject to OCR's jurisdiction pursuant to the higher education section of Adams.

47/ Despite this conclusion, OCR's files contained information that applicants who are high school dropouts between the ages of 16 and 18 must have permission from the principal of their school.

the AVES reflects the ratio of blacks in the service areas. Twelve AVESs are "disproportionate" (i.e. the enrollment varies by more than 5% of the minority percentage in the service area). The instructional staff in all postsecondary AVESs is 85% white and the administrative staff is 84% white. Twenty-five of the 56 schools have fewer than 10% black instructors and 17 have fewer than 10% black administrators.

In addition to interviews with community college system officials in Raleigh, OCR visited the Roanoke-Chowan Technical Institute (74% black) in Ahoskie and Gaston Community College (11% black) in Dallas. OCR's letter to the President of the State Department of Community Colleges declared that there was "no outstanding evidence of discrimination."48/ It is clear from the letter that this finding applied to all 57 postsecondary area vocational schools, however this language was modified in a subsequent letter. OCR did raise the issue of the small number of minority faculty and staff and asked for an explanation "to assure that it is not an indication of vestiges of the racially separate school systems....", but OCR did not require an affirmative action plan as it did of Arkansas. The letter also expressed concern about the predominantly one-sex vocational courses and asked that "strong measures" be taken to prevent sex discrimination through the perpetuation of sexual stereotypes in occupational programs as well as the recruitment and assignment of staff across traditionally single-sex courses.

North Carolina's extensive community college system offers college transfer, or pre-professional programs, ranging from agriculture to veterinary medicine; 90 two-year technical programs ranging from accounting to visual merchandising; 64 vocational programs ranging from air conditioning to refrigeration which are generally one-year programs but in some cases require less than a full year of study; and general education, including both occupational and non-occupational courses.49/ Students enrolled in technical programs comprise 48% of the total enrollment and those enrolled in vocational programs account for 20% of the total enrollment. The North Carolina Plan admits that blacksare underrepresented in all programs except the vocational program. Blacks are 11% of the college transfer students, but 21% of the vocational students.

48/ Letter to Ben Fountain, President, State Department of Community Colleges, from Lloyd Henderson, January 16, 1974.

49/ Letter to Lloyd Henderson from Ben Fountain, February 13, 1974.

While the OCR Pilot Review of area vocational schools says that there is open admission to the vocational schools, the North Carolina Plan demonstrates that that is not entirely true. The Plan states:

> "Admissions to specific programs is based upon use of a system of testing, interviews by counselors, and high school transcripts where applicable... [and] where the applicant does not meet minimum program entrance requirements, guided studies and remedial programs are used to prepare the student for entrance into the program of his choice."

The OCR Pilot Review focused exclusively on vocational courses. With reference to Gaston Community College it noted that applicants for its business and technical programs are required to take the American College Test, but that applicants for the vocational programs are not. The Spring 1974 AVES survey for Gaston College shows 97 blacks enrolled in vocational programs, yet in the 1973-74 school year no blacks, but 49 whites, graduated from technical programs, and no blacks, but two whites, graduated from vocational programs.50/ The Pilot Review did not explore whether the different admissions requirements for technical, vocational or college transfer programs might result in the "channelling" of more black students into vocational programs, nor did it find out whether blacks actually graduated from these programs.

Another significant issue that the North Carolina Pilot Review did not investigate is whether black students in vocational or technical programs get employment in their occupational field. The report notes that Roanoke-Chowan has no formal job placement program. That task is left to individual instructors. No attempt was made to collect information from the instructors on the numbers of black and white students who got jobs and what kinds of jobs. In its discussion of Gaston Community College, the report makes passing reference to the fact that the college does have a formal job placement program and that the college makes referrals to employers. There is even mention of excellent job opportunities in five fields for engineering technician, but OCR failed to find out whether blacks were getting employed in these technician jobs or in any other positions.

50/ Graduation figures come from the North Carolina Community College System's First Status Report (February 1975) submitted to OCR pursuant to the North Carolina Plan.

These deficiencies in the North Carolina Pilot Review demonstrate that the potentially adverse racial impact of certain admissions requirements, the resultant "channelling" of blacks into vocational programs, and unequal employment opportunities for black students are not considered to be Title VI issues with which OCR should concern itself. OCR may casually pick up information, but there is no in depth examination of the facts. In the absence of any official policy, OCR staff has apparently made a de facto assumption that these are not Title VI compliance issues.

President Fountain's reply to OCR discusses at length his explanation of why there are so few minorities employed in the community colleges and technical institutes. On reason he gives is that the salaries are not competitive with salaries paid by community colleges in other Southeastern states. The other is that minorities are underrepresented in the trade and technical jobs from which the community colleges and technical institutes could recruit. He also comments that "several of our community colleges and technical institutes which are located in counties with concentrated minority ... representation in their populations, do not yet have permanent campuses fully developed." (An interesting admission which the Pilot Review did not uncover). President Fountain felt that as those campuses were developed over the next five years, the number of minority faculty and staff would increase.

OCR's answer to that letter is most interesting.[51] It begins by stating that the earlier finding of "no outstanding evidence of racial discrimination" applied only to the two schools visited and not to the other 55 institutions. OCR was obviously trying to avoid giving President Fountain the impression that the entire community college system was in compliance with Title VI at the time that OCR still had not approved the North Carolina Plan for its whole postsecondary system.

The balance of the letter bears down more heavily than the first communication on the issue of employment and sex segregation in vocational courses. "The problem and solution... go beyond higher and more attractive salaries... Instead, the emphasis should be placed on a well-oriented, unified, and effective recruiting, hiring and retention program.... It is not apparent from your letter that the schools within the jurisdiction of the Department of Community Colleges are recruiting and hiring from a program that was worked out cooperatively... The expansion and re-direction of recruiting efforts are necessary..." OCR was clearly telling the

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51/ Letter to Ben Fountain from Lloyd Henderson, June 10, 1974.

Community College System that unless it took the initiative, the number of minority faculty and staff in the area vocational schools would not increase. President Fountain's comments about changes in literature and sensitizing staff to overcome racial/ethnic and sex discrimination, OCR said "do not go far enough... Even though the institutions themselves have never been a part of the de jure segregated system, they must still contend with the effects of discrimination and contend in a way that will result in change." Having made that prouncement, the letter did not impose any spedific requirements. The Elementary and Secondary Branch was carefully avoiding interference with OCR's overall negotiations with North Carolina in the area of higher education.

Since that letter, there is no indication that OCR has had any further dealings with the Community College System with regard to the area vocational schools. The Atlanta Regional Office conducted a review of one other institution and found it in compliance.

PENNSYLVANIA

Unlike the four other states in the Pilot Review, the 62 area vocational technical schools in Pennsylvania are all secondary institutions. In 1963 the state legislature authorized two or more districts to join together to build, staff, and finance AVESs. The contractual agreement among districts must be approved by the State Board of Vocational Education in the State Department of Education. Member districts provide a pro rata share of the operating funds, and each is alloted a certain quota of students. The AVES is actually administered by an operating board. Ten AVESs offer a full day program leading to high school graduation. The other 52 offer half day programs, with the academic courses provided at the home high school. Admission to an AVES is very selective. Each sending district has its own quota. Course size is limited by the availability of equipment and work stations. In addition, applicants are evaluated on the basis of four criteria: 1) I.Q. and aptitude test scores; 2) grades in subjects that are preparatory for the desired vocation; 3) attendance and discipline record; 4) recommendation of the home school counselor and teacher.

OCR reviewed three area vocational-technical schools: the Harrisburg-Steelton-Highspire AVES, the Dauphin County AVES located in the suburbs of Harrisburg, and the Greater Johnstown AVES. The most significant finding to emerge was evidence of gerrymandering between two AVES.

The Harrisburg-Steelton-Highspire AVES was established in 1967 to serve the city of Harrisburg (60% black enrollment) and the Steelton-

Highspire School District (26% black). Those two school systems have the highest black proportion in the greater Harrisburg area. In 1965 the Dauphin County AVES was created (it opened in 1970) to serve six school districts surrounding Harrisburg and Steelton Highspire. The combined enrollment in these six districts is 2.5% black.

The Dauphin County AVES is located in one new and modern building. The Harrisburg AVES's facilities are scattered throughout the city. The Dauphin AVES is located seven miles fron one city high school and five miles from another, but students from four of its six sending districts travel more than 10 miles. Students from one of the six sending districts are bused within five blocks of the Harrisburg AVES. The executive secretary of the State Board of Vocational Education told OCR that he "suspected" that the reason Harrisburg and Steelton-Highspire were not included in the Dauphin County AVES zone was because white county residents did not want their children attending a school with a high black enrollment.

The Dauphin AVES's black enrollment reflects the proportion of blacks in the population of the sending schools. The black enrollment at the Harrisburg AVES is 5% higher than the black proportion in the sending schools. There are more white males than black males, and white males outnumber black males significantly in trade courses. On the other hand, black females outnumber white females. Black students of both sexes predominate in business courses.

OCR found other disparities between the two AVESs besides their racial composition. The Dauphin AVES facility is elite in appearance. Its full day program is oriented toward college preparation. Dauphin offers seven programs that Harrisburg does not: chemical technology, scientific data processing, air conditioning and refrigeration, commercial art, ornamental horticulture, textile and apparel trades, and trowel trades. The Harrisburg AVES had no apprentice programs. The Dauphin AVES has apprenticeship classes run by the carpenters' and machinists' unions, but there were no blacks in these classes. A minimum fee is paid to the instructors of the apprentice classes by the AVES. There are no black professionals at the Dauphin AVES, and there are three black professionals out of 35 at the Harrisburg AVES.

At the Johnstown AVES (east of Pittsburgh), OCR found a different kind of problem. The administration conceived of its school as an elite institution for superior students, but Johnstown city school officials regarded it as a threat to comprehensive, egalitarian secondary education. OCR's compliance review report noted a decline in black student enrollment at the AVES since 1970, a decrease it thought attributable to the city's practice of discourag-

ing applicants from all of its students. A junior high counselor told OCR that black students would feel more at ease in a 10% black student body at Johnstown City High School than they would in a 3% black student body at the AVES. There were also no black teachers at the Johnstown AVES. Johnstown city school officials felt that their vocational program was equal to that offered at the AVES. However, OCR's report noted that the vocational program in Johnstown was limited to eight courses serving 300 students whereas an AVES must, by state regulation, offer at least 10 courses and enroll 500 students. The Johnstown AVES had three apprenticeship programs, but no blacks participating.

Lastly, OCR found some Title IX problems in all three schools. No women were enrolled in traditional male trades. Catalogs and recruitment literature identified courses as being open to either boys or girls. All ninth graders in Harrisburg city schools were segregated by sex in Vocational Education Exploration Programs and each group was exposed to vocational opportunities traditional for its sex.

The Pennsylvania Pilot Review was generally good, but subsequent to the review, OCR failed to come to grips with its most significant finding - the gerrymandering issue. OCR wrote to Secretary of Education John Pittenger[52/] describing in some detail four pertinent findings.

1. OCR expressed its "concern" over the racial impact of the creation of two AVESs located less than 10 miles apart in the greater Harrisburg area. The letter points out that although there is one uniform job market in the area, the Dauphin AVES offered more vocational training opportunities. OCR further noted that state guidelines appeared to "recommend" consultation among all school districts in an area before the State Board of Vocational Education would approve the establishment of an area vocational school. OCR thus identified state culpability in the creation of racially separate and unequal vo-

52/ Letter to Secretary John Pittenger from Lloyd Henderson, June 21, 1973.

cational institutions.

2. The absence of blacks in apprentice programs at two AVESs raised questions that would have to be answered, the letter says, in a subsequent compliance review.

3. Although the state had no data on the race of vocational instructors in the AVESs, OCR thought it "likely" that there were fewer black teachers than in other disciplines and that "grapevine" recruiting tended to limit employment opportunities for blacks in job traditionally dominated by whites.

4. Certain practices observed by the review team raised "serious compliance questions" with respect to Title IX.

OCR's letter is explicit that the Pilot Review was not a compliance review, but that such a review would be scheduled, perhaps "before the opening of classes in September." As of April 1976 that promised compliance review had never been done.

Secretary Pittenger responded53/ that his department could initiate remedial action in three of the four areas of concern, however on the gerrymandered attendance areas, he could see no resolution. The possibility of improving offerings at the Harrisburg AVES could be explored, but the existing attendance areas were fixed by contractual agreement and the state was not going to do anything to disturb them.

OCR replied some months later:

> "I must disagree...that the issue of attendance areas for the Dauphin County AVTS and the Harrisburg-Steelton-Highspire AVTS cannot be resolved. As I suggested in my earlier letter, it may be necessary for the staff of our Regional Office in Philadelphia to conduct a full-scale inquiry into the circumstances leading to

53/ Letter to Lloyd Henderson from John Pittenger, July 20, 1973.

> the establishment of these two schools. Accordingly, I am asking Mr. Dewey Dodds, the Regional Civil Rights Director to initiate an inquiry into the matter as soon as it can be arranged."54/

That is the last Secretary Pittenger ever heard from the Office for Civil Rights. The Elementary and Secondary Branch Chief and staff in the Philadelphia Regional Office had no knowledge of the Pilot Review. They were unaware of the exchange of correspondence between OCR and Secretary Pittenger and the promise of a "full-scale inquiry." Completely unaware that there had been a previous review, the Regional Office did visit the Dauphin County AVES in March 1975, and based upon an "extensive examination of the educational practices and procedures currently existing" found the school in compliance with Title VI and Title IX.55/ The lack of communication within OCR is truly appalling. Charles Whittaker of the Regional Office says the Dauphin review was done because of its low minority faculty and staff. In fact there were no black faculty and staff. In the exit interview with Dauphin's Director, the OCR review team said that the school ought to have a formal recruitment program with goals and timetables. But the letter finding the school in compliance did not mention such a program because OCR had "no proof of a violation." And what about Dauphin's apprenticeship programs, a subject which had been raised in the June 1973 letter to Secretary Pittenger? According to Mr. Whittaker, "We overlooked it."

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OCR's Pilot Reviews of area vocational education schools examined the varying administrative structures in five states and certainly uncovered significant compliance problems in three of them. However, OCR accomplished little in the way of concrete compliance results, no doubt because the reviews were considered learning trips,not compliance reviews.

OCR Director Peter Holmes turned over all responsibility for vocational school compliance reviews to the Regional Offices. In doing so, he set no priorities, established no timetables, and made no provision for allotting staff resources. Furthermore, Mr. Holmes did not direct Regional Offices to focus their attention on

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54/ Letter to John Pittenger from Lloyd Henderson, September 7, 1973.

55/ Letter to Dauphin Director Ralph Porter from Dewey Dodds, June 27, 1975.

departments of education and their vocational-technical education bureaus or divisions. While the Pilot Reviews did concentrate on state systems and certainly documented state control and involvement, even where AVESs were locally administered, the Regional Offices did not examine state administration and responsibility. Rather, they reviewed area vocational schools on an ad hoc basis and communicated compliance findings to local authorities.

REGIONAL OFFICE REVIEWS

The three Regional Offices have initiated or completed a total of 10 compliance reviews.[56] Six letters of final determination have been sent to area vocational schools. Schools were selected for a compliance review either because the Spring 1974 survey revealed low minority employment or low minority enrollment, or because a complaint had been received. In addition to the compliance reviews, investigations were done of complaints, but these were usually handled by phone or letter. Only in two instances did a complaint about a vocational school result in a full-scale compliance review. These 10 compliance reviews are discussed below.

PHILADELPHIA REGIONAL OFFICE

Among the most interesting situations uncovered by OCR is the recent development of area vocational schools throughout Delaware. Two of them were reviewed. The Delcastle Vocational-Technical High School was opened in 1970 in Newport (New Castle County), Delaware, three miles outside Wilmington. In the same year Brown Vocational School in Wilmington closed. Prior to Delcastle's opening, Brown had served the entire county of New Castle. In September 1975, a second school, the Howard Vocational Education Center in Wilmington, was opened to serve the city. A third school, the Hotson Vocational-Technical School serving the southern part of New Castle County, was scheduled to open in September 1976. A fourth school is planned for the Northern suburbs of Wilmington, but site location has been held up pending the outcome of the Wilmington school suit. The schools were all established under the jurisdiction of the Delaware Department of Education which controls funding and curriculum, although they are actually administered by specially created districts. The Delcastle Vocational-Technical High School is operated by the New Castle County Vocational Technical District which has a seven member board (two black members). Prior to September 1976, Delcastle

56/ Five by the Philadelphia Office, four by the Atlanta Office, and one by the Dallas Office.

drew its students from 13 schools in five districts: Wilmington (78% minority), Conrad (3% minority), Dupont (1.5% minority), DeLa Warr (56% minority), and Appoguinimink (27% minority). As a result of the opening of Howard and Hotson, DeLa Warr is the only school system with any significant number of black students that will send students to Delcastle.57/

In the 1974-75 school year the minority student population of the 13 sending schools was 20.4%. In the same year Delcastle's minority student enrollment was 8%. The reasons for that disparity are the school's high admission standards and its white image.

Admissions criteria for Delcastle guarantee an elite student body. There are approximately 1500 applications for 500 to 600 spaces. Five criteria (and their relative weights) are used to evaluate applicants: present grades (40%), aptitude tests (20%), achievement tests (15%), counselor comments (15%) and student characteristics, i.e. behavior and attendance, (10%). Seventy-five percent of the weight given to an application depends on a student's academic record and performance on tests. The OCR review team interviewed a number of school officials at the sending schools, and all confirmed that few blacks even applied because of the heavy emphasis on grades and on Delcastle's elite, white image. As one principal put it, "It [Delcastle] is serving the upper end of the spectrum, but it does not offer an alternative to those students who have not shown an aptitude for or an interest in the regular academic curriculum." Aside from the academic deterrent, sending school officials mentioned that black students didn't feel "comfortable" at Delcastle. One counselor remarked that transportation provided by the school was made "as difficult as possible" for city students.

The OCR compliance report concluded that:

> "inequities exist in the extent and manner in which students at the various sending districts are made aware of the opportunities available at Delcastle. There is no evidence, however, that these inequities result from discriminatory action on the part of the Vocational-Technical School."

57/ Few black students from DeLa Warr, however, actually attend Delcastle. Of the 56 applicants from DeLa Warr in September 1975, 52 were white.

As to the admissions criteria, the report suggested that:

> "... the district rebut the contentions of officials in the sending districts that, because of grade requirements, the admissions system has had a discriminatory impact upon black applicants or justify the use of junior high grades in academic subjects as indicators of a student's need for, interest and potential for success in each technical and vocational program offered."

Even if OCR were to prove conclusively the adverse racial impact of the admissions requirement, including I.Q. tests, there is no OCR policy that such constitutes a Title VI violation. And although violations of the Vocational Education Regulations are not under OCR's jurisdiction, OCR does not bring these matters to the attention of the Bureau of Vocational and Adult Education in the Office of Education.58/

Of the 117 black students at Delcastle in the 1974-75 school year, 43% were enrolled in beauty culture, food service, medical assistant, child care, and licensed practical nursing. No blacks were in air conditioning, power plant operator, small engine repair, aviation mechanic, or career mucis. The remaining 67 black students were scattered throughout 25 other courses.

The faculty and staff at Delcastle is as white as the student body. Five of the 82 classroom teachers were black. A black man had been hired as the Student Activities Coordinator, but since he was a professional football player, he was absent from Delcastle from September through December, half of the school year. The office staff was all-white. There was not even a black clerk. OCR's staff report concluded that the school's qualifications for employment had an adverse impact on black candidates. Job requirements are established by the State Department of Public Instruction, but Delcastle required additional qualifications. The review does not explain which requirements are set by the state and which by the school, but it does note the school first attempts to fill jobs "in-house."

58/ Even if OCR were to do so, the action would probably be fruitless because the Bureau does not monitor or enforce those regulations. See the GAO Report, infra.

The female student population at Delcastle in the 1974-75 school year was 33%. Of the 531 women, 62% were in licensed practical nursing, beauty culture, child care, and dental assistant. There were no women in the traditionally male courses. The percentage of female instructors approximates the proportion of female students. The staff report on Delcastle noted the rigid sex segregation in vocational classes, but concluded that unisexual enrollments were due to factors over which the school had no control. It recommended that OCR require the school to undertake self-evaluation and affirmative action activities called for in the Title IX Regulations.

The apprenticeship program at Delcastle is large. It has 900 more students than the regular vocational-technical programs. Eight percent (8%) of its enrollment is black. Of the 37 apprentice classes, 13 have no black enrollees. However, in most of the critical trades, there are black men enrolled; 82 of the 178 black men are in carpentry, electricity, plumbing, welding and iron workers. There are only 21 black women in the apprentice program; two are in data processing; six are in remedial driver training; three are in school custodian training; five are in emergency ambulance training; and five are in something called a science seminar. Twenty-four of the classes enroll no women at all. The review notes that the apprenticeship program is federally funded, and that enrollment priority is given to those already employed as apprentices by union contractors.

Despite the fact that the apprenticeship program is obviously a very important function of Delcastle, despite its direct federal subsidy, and despite the paucity of blacks and women, OCR did not focus its Title VI and Title IX review on the apprentice program because it was not considered to be a part of the secondary school program. The Elementary and Secondary Branch Chief, Theodore Nixon, has a very restricted view of the parameters of a vocational school review. In part, he feels that to include apprenticeship programs in the review would require his staff to investigate the employment practices of the individual unions. A vocational school's provision of classroom facilities to unions which have no black apprentices is a "concern", not a violation.

The Delcastle review illustrates all too clearly the absence of any OCR policy with respect to the scope of the vocational school reviews, the factual circumstances that give rise to a finding of non-compliance, and the type of information the review teams should gather in order to make a determination of compliance or non-compliance. In the absence of such policy determinations, each Regional Office makes its own ad hoc decisions. None of the

Regional Offices has raised with the Office of General Counsel the issue of whether a school receiving federal financial assistance may make its facilities available to all-white union apprenticeship classes.

The Delcastle review is still in progress, although the last on-site visit was one year ago. In November 1975, a letter of finding to the school's superintendent was prepared but was not sent. Apparently the Branch Chief decided to extend the review to the State Department of Public Instruction (where the compliance review should have begun) to examine the state plan for vocational schools as well as the effect that the opening of Brown and Hotson would have on the racial composition of Delcastle. The November 1975 letter is actually fairly good in some respects. It requires Delcastle, for example, to "explain or rebut the allegations that grades have had a discriminatory impact on minority applicants" and to "justify, by the objective criteria, that the use of grades in academic subjects are valid indicators of a student's need for, interest in and potential for, success in each technical and vocational program offered." It further asks the school to "explain or rebut the allegation that... employment policies and practices have been discriminatory in their effect upon black applicants." Although the November 1975 letter contains the seeds of potential policy determinations, its whole tone is one of "allegations" rather than explicit findings and of "cause for concern" rather than non-compliance. If the letter were an interim communication, its "explain or rebut" requirements and other language might justifiably reflect tentative conclusions. However, the letter has all the earmarks of a timid letter of findings that did not go as far as finding non-compliance. The fact that it was not sent probably reflects OCR/Philadelphia's uncertainty as to whether there were any Title VI issues.

<u>The Kent County Vocational-Technical School</u> in Woodside was the second compliance review in Delaware. Like Delcastle, the school is administered by a separate district which has its own seven member board (one black) and it accepts students from six high schools ranging in black enrollment from 11% to 28%. Kent's enrollment at the time of the OCR Review was 1,171 of which 18% was black. Unlike Delcastle, Kent offers a half-day program only and its admission requirements are somewhat less stringent. There is no apprentice program. The 36 member professional staff included five blacks; the office staff numbered 15 of which two were black. Also unlike Delcastle, the OCR report was extremely superficial and had several major deficiencies:

1. The principal refused to give OCR race and sex information on applicants and acceptances from each sending school. Instead of requiring the information from the school's principal pursuant to 45 CFR §80.6(c), OCR wrote to each of the sending districts.

2. All of the sending high schools have their own vocational programs, but OCR did not investigate the racial enrollment of their course offerings nor was the race/sex distribution in Kent's classes examined.59/

3. The report says very little about admissions requirements, but the OCR staff member who did the review indicated verbally that applicants were required to take the GATB and that grades, deportment, and aptitude were considered. The adverse racial impact of these admissions criteria was not considered.

4. A guidance counselor informed OCR that in his three years at the school, black enrollment had increased from 7% to 18%. However, in another OCR file60/ enrollment data for September 1971 showed that the school's black enrollment at that time was 28.6% black. The number of black students at Kent had actually declined by 162 in three

59/ Of the 118 black men at Kent, 46% were enrolled in auto mechanics, food management, and custodial services. Of the 126 black women, 79% were in four courses: nurses aid, child care, food management and cosmetology.

60/ The other file concerned a black woman cosmetology instructor who had filed a complaint with the Regional Office when she was dismissed from Kent County Vocational-Technical School at the end of the 1971-72 school year. Enrollment and staff data referred to were found in this file. OCR investigated her complaint. It felt she had been the victim of racial discrimination but decided that it could not be proved.

years. Asked about the discrepancies in OCR's information, the staff member who did the review said that he was unaware that OCR possessed the earlier enrollment figures. He could not explain the contradictory information.

5. The Report concluded that Kent Vocational School was in compliance with Title IX, yet it contained no information on, or discussion of, women students and faculty.

6. The Report says nothing about state involvement in, or responsibility for, the school's operations.

Based on this seriously inadequate review, OCR informed the Superintendent that "it appears that Kent County Vocational-Technical School so far as the operation of its staff and classes is in general compliance" with Title VI and Title IX. The letter concludes: "In the event that the sending schools do not send us the necessary information, it will be necessary for you to gather it since a final assessment of your compliance status would be impossible without it." OCR is receiving data on applications and acceptances from the sending schools, but they have not been analyzed. There is little doubt that this school will ultimately receive a final determination of compliance.

The Forbes Road East Vocational-Technical School in Monroeville, Pennsylvania, is a comprehensive secondary vocational school operated by a joint board of nine members from the 13 sending districts. Its service area is 6-8% black although one of its sending districts is 50% black. The student body is 6% black; the 36 member faculty includes one West Indian woman. The OCR staff report does include racial enrollment information for each course. The school's catalog includes some very sophisticated vocational offerings that would prepare students for good paying jobs. The OCR review team confirmed that Forbes Road has very attractive offerings, easily comparable to a postsecondary institution. The school has 81 black students who are scattered throughout 28 of the 36 courses offered.

Admission to Forbes Road depends on the sending district's quota, space available in the desired program, and upon an applicant's grades and potential for success. The OCR staff report includes no information on applications and acceptances by race and sex or by each sending district.

Although OCR's report concluded that Forbes Road was in compliance, it expressed "concern" about the low number of minority faculty and students. The Regional OCR Director questioned whether the operation of the quota system might have discriminatory effects. Consequently, the staff was directed to obtain that information from the sending districts. A visit to the state's Bureau of Vocational Education was also planned but never made. One interesting comment in a staff summary of the Forbes Road review is the observation that a meeting at the state "might possibly help this office in properly monitoring those schools." At least one person recognizes that OCR should be directing its compliance efforts at state departments of education, rather than individual schools exclusively.

The Norfolk Technical Vocational Center, operated by the Norfolk, Virginia, Public School System, was the fourth vocational school reviewed by the Philadelphia Office.[61/] The Center offers a half-day, secondary vocational program for Norfolk students. There is also an extensive adult education program. Of the 804 students attending in the 1973-74 school year, 40% were black. The racial composition of the secondary sending schools was 48% black. Fifteen hundred applications are received, but the Center can accept only 400. Admissions, therefore, is governed by course demand and space available, by a student's potential for success, and by his or her attendance and discipline record. Grades are forwarded to the Center with the application form, but they are considered only when they are related to the area of training the student desires.

Because these criteria could have an adverse racial impact, OCR subsequently asked for and obtained data on applicants and acceptances by race. These data show that for the 1975-76 school year, 66% of the white male and female applicants were accepted, and 57% of the black males and 40% of the black females were accepted. However, when applicants and acceptances by individual courses are examined, a different picture emerges. One apparent reason for the low acceptance rate of black girls is that twice as many applied for

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61/ The Office for Civil Rights was confused on the issue of whether the state or the city administered the Norfolk Center. In a letter to the Norfolk Superintendent announcing the impending compliance review, OCR stated that the state department of education submitted the school's name pursuant to OCR's request for a list of state-administered special purpose schools. But the Report of the On-Site Visit clearly states that the school "operated as a part of the Norfolk Public School System under the administration of the Norfolk Superintendent of Schools...." The Report does not discuss whether, or how, the state of Virginia may be responsible for the school's operation.

child care as did white girls. Proportionately fewer blacks than whites were accepted. Seven times as many blacks as whites applied for food service. Far fewer black than white applications were accepted (29% versus 69%). Yet in other courses, e.g. electronics, data processing, and hotel-motel operations, 100% of both black and white applicants were accepted. The racial pattern of acceptances tends to confirm the statement in the Center's Criteria for Student Selection that "[m]aintaining racial balance may become a factor that influences selection of a particular ethnic group."

The OCR staff report on the Norfolk Center mentions seven courses that are 50% or more black, and they are generally ones that lead to non-union, low-paying jobs. The black students in these seven courses account for 41% of all blacks enrolled. Only 17% of all white students are enrolled in those same seven courses. Both the rejection and course enrollment statistics suggest that a large part of the problem stems from black students' own vocational aspirations and from the counseling they receive in their regular high school.

In addition to the secondary program, the Center offers, on a part-time basis, trade and industry courses and business education. Both are predominantly white. Seventy-five percent (75%) of the students in the trade courses are white males. Seventy-one percent (71%) of the students in the Business Education Department[62] are white females. The business and trade courses are given at the Center which is located in a predominantly white section of Norfolk. OCR's report commented that students must furnish their own transportation and that there is no direct public bus service.

Employees of the Norfolk Center are predominantly white. The 26 member teaching staff had six blacks and seven women. The 33 part-time teachers in the trade courses included five blacks. The business education faculty had 37 members of which three were black.

Harold Davis, who wrote the staff report, decided that Norfolk Technical Vocational Center was not in compliance with either Title VI or Title IX.[63] The rationale for his conclusion was that the Center's black and female enrollment did not reflect the city's overall 50% black and 52% female student enrollment. He reasoned that white males represent 25% of the city's student population, yet they

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62/ The Department offers a course entitled "Charm for the Office."

63/ The report made no conclusions or recommendations about employment or the trades and business programs.

accounted for 40% of the Center's enrollment. Conversely, black females who also are approximately 25% of the city's student population represented only 15% of the Center's enrollment. Clearly Mr. Davis believes that Title VI requires a rather precise race/sex balance in vocational schools. But that view did not prevail in the Philadelphia Office.

Five months after the review, a letter to the city superintendent from the Philadelphia Regional Office commented that "[g]enerally, the staff report reflects a very commendable concern on the part of the Norfolk School Division to provide vocational training...." Mr. Davis was dismayed about that sentence. The letter goes on to express OCR's "concerns", (admissions criteria, sex stereotyping in certain courses, employment criteria), and to request additional information without which a "definitive compliance determination" could not be made. In subsequent correspondence, the Norfolk Superintendent responded to OCR's "concerns" and requests for information. As of the Spring of 1976, OCR had not made a "definitive compliance determination."

The chief problem with OCR's treatment of the Norfolk Technical Vocational Center is that it fails to come to grips with the central issue implicit in the review. How much of the racial and sexual characteristics of the Center's student body is the result of official action, or inaction, and how much is due purely to student choice, background, and aspirations? The answer to this question may well be found not so much in the vocational school but in the senior high sending schools where tracking, counseling, and discipline have a profound impact on who gets into which courses at the Center. But OCR's vocational school reviews do not examine those factors.

In conclusion, the five compliance reviews done by the Philadelphia Regional Office reflect two problems common to all three Regional Offices. There is wide variation in the thoroughness and scope of the reviews, and different staff members, even within one office, have their own predilections as to what constitutes race or sex discrimination in violation of the laws. These two problems can only be accounted for by the absence of any uniform compliance policy.

ATLANTA REGIONAL OFFICE

The Atlanta Office has done four compliance reviews of area vocational education schools (two in Georgia, one in North Carolina, one in Kentucky) and has received 10 race and/or sex complaints concerning these schools. Three of the four compliance reviews are exceed-

ingly superficial. Region IV gives little or no priority to AVESs. They are viewed as open-admissions institutions with no remaining vestiges of legally imposed racial segregation and consequently have no, or only minor, compliance problems. The Atlanta Office does not consider itself responsible for following up on the matters left over from the Georgia Pilot Review.

Atlanta's files have more information on Georgia's AVESs than any other state since two of the compliance reviews and six of the complaints involve that state. The Savannah Area Vocational-Technical School was reviewed in March 1975. It is a postsecondary institution serving an area with a 33% black population. Its student body is 24% black and its staff is 33% black. A letter to the Superintendent of the Chatham County Public Schools dated March 2, 1976, found the Savannah school in compliance with Title VI and Title IX despite the following comments in the staff report:

1. "The information obtained in most areas is insufficient to make a determination of compliance or non-compliance. In some areas compliance requires a definition. Since the areas were not outlined until after the review and determinations will appear to require considerable documentation, it is recommended that this be considered a pilot review for instructional value only...."

2. "...[T]here is a question regarding the objectivity of the testing program." The GATB was administered until June 1974 and replaced by the state with the Otis Quick Scoring Mental Ability Test. The test is used to determine probability of success and its results may be used to counsel a student not to take certain courses."

3. "The statistics showing Blacks and females still... select traditional courses raises questions regarding the character of the counseling and placement programs. There is no evidence of discrimination on the part of school officials, however."

4. Only 14 of the 31 apprenticeship classes had blacks enrolled.

5. Within a period of four school quarters, 38% of the students completing requirements were black. Blacks constituted 30% of all students who were placed in jobs. Yet, 47% of the white students completing the requirements were placed in jobs but only 34% of the black students were.

The Columbus Area Vocational Technical School was reviewed in April 1975. It is administered by the Muscogee County Public Schools and serves seven counties ranging in black population from 19% to 64%. The student body is 37% black, the faculty is 15% black, and the administrative and other staff is 32% black. This school was found in compliance, although the staff report says:

1. The review was brief and general.

2. Apprenticeship classes "are virtually all white."

3. One quarter of the black students were in four majority black classes: upholstery, masonry, clerical, and home economics. Air conditioning was all white, appliance repair had one black student, and electrical and mechanical technologies were 11% black. Sixty-two percent of black women and 40% of white women were enrolled in homemaking (non-occupational), home economics (occupational), clothing, and clerical programs. OCR did not examine the causes of the disparate racial enrollment which these figures reveal.

4. An adult basic education test is required of all applicants. The score on the ABE test, plus interviews with counselors, determine which courses a student will enter. For those who are considered unprepared for vocational training, there are adult basic education classes for GED preparation and

an Evaluation Learning Center. The Center offers group sessions for economically, educationally, behaviorally, and culturally deprived students "aimed at making then feel better about themselves." Between July 1, 1974 and April 8, 1975, 136 students participated in the Center's group sessions of which 42% were black, a slightly higher black proportion than the school as a whole.

5. Statistical information was not available on job placement, for which the school is responsible, and OCR did not request that it be compiled.

Although both these AVES schools are locally administered, a course cannot be offered and a faculty position cannot be created unless the state education agency approves. Entrance requirements are also state controlled. A state survey of Muscogee County found the existing vocational facilities inadequate to accomodate all those who sought entrance to the Columbus Area Vocational Technical School. Between September and November 1973, 745 applicants were not accepted. OCR has not directed any of its compliance activities at the state level despite the substantial control that the Georgia Department of Education has over AVESs.

The complaints that OCR/Atlanta has received regarding Georgia AVESs, in addition to the issues raised by the compliance reviews and the Pilot Reviews, should have been sufficient to warrant a state agency review. But complaints have been treated in a very narrow context, and none were found meritorius.

Two Title VI complaints were filed against the AVES in Thomasville, Georgia, one of which was filed by two black women who had been denied admission to the practical nursing program.[64/] Upon investigation OCR found that the practical nursing course was 22% black and there was a 53% black rejection. The complaint file also contains information that the school's service area is 43% black and its enrollment is 33% black. While the Thomas County AVES has desegregated its two formerly segregated branches, they remain racially identifiable; the formerly white school is 20% black and the formerly black school is 50% black. OCR found that duplicate programs

64/ OCR files reflect that one of the complainants was admitted after OCR investigated.

in the two programs had been eliminated, except for auto mechanics. The file further notes that black rejections were higher than white rejections "because more blacks apply."

In conjunction with the complaint about the practical nursing program, OCR found three of the four sections of that course offered within one year were majority white and one was 50% black/white. OCR asked the school to explain the racially disproportionate nursing classes but never got an answer. The file also contains a Georgia Department of Vocational Education application form for practical nursing which would seem to raise substantial Title IX problems. The form asks, for example, whether the applicant has made "satisfactory arrangements for your home responsibilities" (Imagine asking that of an applicant for auto mechanics!), and "is your husband/father employed?" There is also a confidential questionaire form[65] used by a committee of RNs which screens applicants for practical nursing. OCR found that one of the black complainants had been rejected by this screening committee and offered a place in the para-medical program which is of non-licensure grade. Apparently none of these problems troubled OCR because the file notes: "case is closed."

Two more Title VI complaints were filed by the NAACP concerning employment discrimination and black student dismissals at the Griffin Spaulding Vocational Technical School in Griffin, Georgia. The complaint file's scanty details reflect that the 38 member staff had two blacks and that the school contended that it had very little staff turnover and consequently did not need to do any recruiting. OCR's investigation did not examine an allegation about the failure to promote the two blacks employed, and the issue of black student dismissals was ignored entirely.[66] OCR wrote to the complainant saying that there was no violation of Title VI due to lack of evidence.

A fifth complaint was filed by a black girl on behalf of herself and four others who were terminated from the LPN program at Valdosta Area Vocational School. OCR accepted the school's contention that

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65/ The form has a place for racial designation and a question about the applicant's menstrual cramps.

66/ OCR received a separate Title VI complaint, filed with the Veterans Administration, concerning two black veterans who were terminated from the Griffin Spaulding AVES. OCR contacted both complainants and asked for further details. Neither complainant responded and the complaint was closed.

the young woman who filed the complaint was terminated because she was failing the course for the second time and the complainant was so notified. While that may have been a justifiable reason for concluding that she was not discriminated against, OCR apparently did not inquire about the other four who were terminated, whether there was a racial pattern in terminations or failure over any period of time, or even what the racial composition of the school, the service area, the applicants, or the LPN course were.

The sixth Title VI complaint alleged employment discrimination against several Georgia area vocational schools and the Georgia Department of Vocational Education. Of all the complaints filed with the Atlanta Regional Office, this one was the most distressing because despite the information OCR collected, it found no evidence of discrimination. The complainant, Herbert Orr, operated his own radio-TV repair shop. He sought a position teaching electronic technology. Orr submitted his resume to the Georgia Department of Vocational Education and was told that it would be circulated to all AVESs. He was apparently not told about State Merit System requirements for employment. Orr followed up with visits to six schools. One of them was the AVES in Moultrie where Orr had previously taught a course when he was employed by the local Cablevision. The director of the Moultrie AVES didn't remember him and nothing ever came of Orr's two interviews at Moultrie. The school had no black instructors at the time Orr applied. OCR learned from the school that since 1970 it had not hired any black faculty, although two blacks had been offered jobs.

OCR's complaint file contains a letter to Orr from the Assistant State Superintendent of Vocational Education which is dated one year after he submitted his resume to the state office and also one year after Orr filed his complaint with OCR. The letter informed Orr that there were two vacancies in electronics at the Augusta AVES and the DeKalb AVES. However, the letter was sent in September 1975, and when Orr checked with both schools, the positions had been filled. There was also a letter to Herbert Orr from the Dekalb AVES dated September 1975, informing him that it had no resume for him in their files and asking him to submit a formal application. This letter casts some doubt on whether the State Department of Vocational Education had ever circulated Mr. Orr's resume as it had told him it would one year earlier. Mr. Orr also made a trip to the Atlanta Regional Office to discuss his attempts to find employment. Other than the interview with Mr. Orr, the only other investigatory step OCR took was to ask the Moultrie AVES to provide information on its recruitment and hiring. OCR was informed that personnel requirements were controlled by the state and that the school recruited at colleges and at other area vocational schools. OCR did not contact the

state office where Mr. Orr had submitted his resume or inquire why that office had not informed Herbert Orr of possible vacancies in time for him to apply. There is no evidence that OCR contacted the other AVESs where Mr. Orr said he applied. Neither did it determine whether he had made formal application at those institutions or what vacancies existed at those schools for which he might have qualified.

Based on a completely inadequate investigation, OCR had the gall to inform Mr. Orr that there was "insufficient evidence to reach a determination of discrimination." OCR's letter made the incredible statement that while it was aware of the low or non-existent black staff in the AVESs

> "...we have not been informed of a situation where an individual believed he was not hired, promoted, or dismissed because of race...." (emphasis supplied)

The letter concludes:

> "This is not meant to imply that we have determined that none of the institutions have discriminated in personnel practices. As more information becomes available, a determination can be made."

One wonders how much more evidence OCR needs of racial discrimination in employment in Georgia's AVESs before it would make a finding of a Title VI violation. Even if OCR felt that it had no jurisdiction under Title VI, the least it could have done was refer the complaints and statistical information it possessed to EEOC. However, there was no indication in any of the files that this had been done.

There is one more Georgia complaint which should be mentioned. A white woman complained to OCR that she was not hired for a position at the Atlanta School for the Deaf and that a black woman was employed in the position. OCR replied that on the basis of the information from the state, the black woman was better qualified.

The third compliance review done by the Atlanta Regional Office was of the James Sprunt Institute in Kenansville, North Carolina. It is a postsecondary institution serving Duplin County (34% black). Like other North Carolina AVESs, the Sprunt Institute offers four programs: a technical program leading to an Associate of Arts degree in applied science, a one-year vocational program leading to a diploma, a general education program with a college transfer option, and a division of continuing education. Twenty-eight percent (28%)

of the students enrolled (excluding the continuing education program) were black. The OCR review did not examine the four programs separately. The compliance report is full of conclusory statements that are not fully supported by the more detailed information in the file. For example, OCR's report states that the Institute has an open door admissions policy and that a high school diploma is not required. Yet elsewhere in the files is a list of admissions requirements which states that applicants for the technical program must have a high school diploma or its equivalent. The report further notes that in one year (March 1, 1974 to February 28, 1975) 25% of the graduates from the diploma and degree programs were black, but separate graduation statistics for the diploma (vocational) and degree (technical) programs were not provided.67/

The Institute has a placement office which maintains files on prospective employers, the largest of which are in textiles and agriculturally oriented business. OCR's report states that the school refers students only to those employers who hire without regard to race. In that connection it is interesting to note that one of the largest programs at James Sprunt is agricultural science and mechanization which in the spring quarter of 1975 had one black student in a class of 61. In that same quarter the nine students enrolled in agricultural business were all white. The three students taking poultry and livestock were also white. The school had done a follow-up placement survey of its graduates in one year. OCR's report says that 30% of the black graduates who returned the survey form were employed in a position for which they were trained. However, exhibit 14 of the report contains the actual statistics which tell a more complete story. Eighty-six percent (86%) of the black graduates returned the form and 40% of them (10 out of 25) said they were employed in positions for which they were trained. Only 49% of the white graduates returned the form and 75% of them (30 out of 43) said they were working in jobs for which they were trained. The racial difference, which did not concern OCR, may be explained to some degree by examining which courses blacks are taking. They certainly are not enrolled in agricultural courses. Seventy-five percent (75%) of the black students enrolled in the Spring 1975 Quarter were taking auto mechanics, masonry (which was 54% black), business administration, electronic servicing, general education, general office technology, and welding. Fifty-one percent (51%) of the whites were enrolled in those same courses.

67/ The North Carolina Community College System First Status Report, January 6, 1975, shows for James Sprunt Institute 10% black graduates in the technical program and 26% black graduates in the vocational program.

The Associate Degree in Nursing program at James Sprunt is apparently one of its most popular offerings and only a third of the applicants can be accepted. The OCR report does not explain why two-thirds of the applicants are rejected nor does it even comment on the statistics which reveal that 42% of the white applicants, but only 10% of the black applicants, were accepted for the Fall 1974 Quarter.

It comes as no surprise that the James Sprunt Institute was notified by OCR that it was in compliance with Title VI. The letter to the President of the Institute does include some recommendations which provide insight into the areas that OCR considered important.

1. Because the faculty was 8% black, an active recruitment and hiring policy was recommended.

2. Statistics by race and sex of students who visited the counseling and tutoring services ought to be collected.

3. Statistics on graduates who obtained employment should be developed.

4. A non-discrimination policy should be required of those who advertise housing for the Institute's students, 80% of whom live at home.

The last compliance review was conducted by the Atlanta Regional Office pursuant to a Title VI complaint alleging that the Kentucky State Board of Education's plans to close the predominantly black West Kentucky State Vocational Technical School in Paducah would deprive the black community of its vocational school.68/ The complaint further alleged that the state had discriminated against the school in the allocation of federal funds.

The state of Kentucky is divided into 15 vocational districts. There are 78 institutions which provide vocational training at the secondary level (Centers) and at the postsecondary level (Schools).

68/ The Committee to Save West Kentucky State Vocational Technical School filed suit in Franklin Circuit Court seeking to prevent the school's closing. The complaint was dismissed and the Committee subsequently filed in U.S. District Court (W.D. Ky.). Cecil Clye is the attorney for plaintiffs.

Paducah Area Vocational Education Center, which offers both secondary (354 students) and evening postsecondary (375 students) training, and West Kentucky, which offers only postsecondary courses, are both located in Region I. This is the only region in the state that has two postsecondary facilities in close proximity (four miles) to each other.

Founded in 1909 as a private Negro industrial college, West Kentucky State Vocational Technical School was purchased by the Kentucky Legislature in 1938 and has since been operated as a black institution by the State Board of Education.69/ In 1942 the State Board established the Paducah Area Vocational Education Center to offer both secondary and postsecondary vocational training to whites. The school (which was replaced 24 years later with a new facility) was operated on a reimbursement basis by the Paducah Independent School District until July 1973 when it was taken over by the state and operated directly by the Bureau of Vocational Education. Although Kentucky claimed that the two schools were desegregated in 1954, the state continued to operate and expand dual vocational schools in Region I through 1973. Four new secondary centers were constructed in 1972 and 1973 to serve four other counties in the region. In 1966, a new facility, the Paducah Tilghman Vocational School, was built to replace the old Paducah Center. And in 1963, the state built a new classroom on the campus of West Kentucky.

In 1975 the Paducah Tilghman School (94.6% white) and West Kentucky (76% black) offered dual postsecondary courses in six occupations.70/ West Kentucky has three programs - masonry, clerical, and tailoring - which Paducah Tilghman did not have, while the latter offered 12 programs which West Kentucky did not have.

OCR collected a great deal of information from the state department of education. The background and rationale leading to the decision to close West Kentucky and to construct a new postsecondary

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69/ It is incredible that the existence of West Kentucky State Vocational School escaped OCR's attention until March 1975 when the complaint was filed. The OCR Manual lists six vocational schools in Kentucky which were considered to have compliance problems, but West Kentucky is not among them. OCR's Central Record File does, however, contain a 1974 Survey form for the school.

70/ Curiously, the carpentry course at West Kentucky had 11 white students and no blacks and the carpentry course at Paducah Tilghman also had 11 whites and no blacks.

institution with the same name on the grounds of Paducah Junior College were probed. OCR found no racial reasons for the state's proposed actions and has therefore decided to make a finding of no Title VI violation. Carroll Payne of the Regional Office indicated that OCR felt torn between going to bat for the black school and finding no discrimination in the decision to close it. According to Mr. Payne, OCR would have been on "weak ground" if it had made a finding of a Title VI violation because "we had never required a desegregation plan."

Clearly, if OCR has established an effective compliance program for state-operated schools, even after the 1973 Adams order, it would have uncovered the situation and might have required the Kentucky Department of Education to desegregate the two facilities and keep West Kentucky open. Events, however, out-paced OCR. The state board secured the services of a consulting firm in 1972 to make a study of the vocational needs of Region I. Paducah Junior College provided 30 acres of land at no cost to the state. The Kentucky General Assembly approved construction funds. Architects were hired to develop plans. Open meetings, attended by West Kentucky faculty and staff, were held in 1974 to discuss plans for the new school. Minutes of the state board meeting for December 3 and 4, 1974 contain the assurance that no employee of West Kentucky will "lose his job as a result of establishing the new facility...." The two existing schools will not be merged. The state department of education informed OCR[71] that the two schools serve different purposes (i.e. one for secondary students, the other for postsecondary), although the state did not say explicitly whether Paducah Tilghman would continue to offer postsecondary courses.

Notwithstanding OCR's malfeasance, its judgment that the closing of West Kentucky was not racially motivated is probably a correct one. Since the letter of findings has not been sent as of this time, it remains to be seen whether OCR will require guarantees on retaining black faculty and staff at the new school and whether all postsecondary courses will be consolidated at West Kentucky.

DALLAS REGIONAL OFFICE

The Shreveport-Bossier Vocational Technical Center in North Shreveport, Louisiana, is the only vocational school compliance review conducted in Region VI. The review was prompted by a Title VI complaint which alleged that there was no black faculty, that black students could not take barbering, that blacks were disproportion-

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71/ Letter to Lamar Clements from Carl Lamar, Assistant State Superintendent for Vocational Education, January 9, 1976.

ately disciplined and terminated, and that whites received better grades than blacks. Although the Dallas Office has done only one review, this one was by far the most thorough and competent compliance review done by any of the three Regional Offices.72/ It is also unique because it is the only review that has resulted in a finding of racial discrimination.

The Shreveport Technical Center, a postsecondary institute, is one of the 32 vocational technical schools operated by the state of Louisiana. It has two programs. The daytime program enrolls 600 students (20% black), and the evening program enrolls 1,217 students (23% black). The area from which the school accepts students is 33% black. Applicants are required to take and pass a battery of tests73/, and a high school diploma is required for enrollment in certain courses.74/ If test results are satisfactory but space in the desired course is unavailable, the student is placed on a waiting list. At the time of OCR's review 16% of the 393 students on the waiting list were black, a proportion lower than either the proportion of blacks enrolled or blacks in the service area. Because space is at a premium, students may be forced to terminate their training when they have learned sufficient skills to obtain employment in order to make room for those on the waiting list.

Although a postsecondary facility for persons over the age of 16, Shreveport Technical Center is run somewhat like a high school complete with a student code which prescribes rules on attendance and tardiness, good grooming, student conduct (no games, cards, or dominoes), loitering, insubordination, cleanliness, and safety. Non-

72/ Unlike any other OCR compliance review of an area vocational school, this review reflected that OCR staff made contacts in the black community. No area of inquiry was overlooked. Each compliance issue was addressed comprehensively, and each conclusion was thoroughly documented. Because the school maintained a great deal of information by race, OCR was able to obtain data on applicants, pass/fail rates, graduation, job placement, and employment over a period of five years. Sex issues (with one exception) were not examined because the complaint did not allege Title IX violations. Overall, the review and OCR report should serve as a model for other Regional Offices.

73/ The five admissions tests are: Army General Classification Test (Mental Ability), English Test, Technical and Scholastic Test, Spatial Visualization Test, and Test of Mechanical Comprehension.

74/ According to the school's Director, a high school diploma is required for barbering, office occupations, practical nursing, and drafting.

compliance with school rules can result in suspension or permanent expulsion.

OCR's Compliance Review Report made the following conclusions:

1. Personnel - The State Board of Education is responsible for all hiring. No blacks have ever been employed in faculty or administrative positions. Blacks are hired only as janitors. The Director and Assistant Director of the school told OCR that no blacks were qualified, that they lacked initiative, and that they would rather collect welfare. The OCR review team interviewed a black man who was fully licensed by the State Board of Barber Examiners and who, in 1961, had applied for a position. He was not permitted to fill out an application.

2. Students - Black students have always been underrepresented in the student body. The State Board of Education opened the school to blacks in 1962, pursuant to court order. The ratio of black students receiving diplomas and getting placed in jobs is significantly disproportionate. OCR compiled statistics over a five year period which revealed that 13% of those who received diplomas were black and 8% of those who were placed in jobs were black, despite the increasing black enrollment at the school in this period of time.

3. Course Enrollment - Two courses - barbering and small engine repair - were all white. Drafting and coronary care had fewer than 10% black students. Five courses enrolled 50% or more black students: auto body and fender (53%), commercial sewing (50%; a small class of four students), distributive education (57%), roofer (60%), hospital housekeeping (98%).75/

75/ Footnote on following page.

The barber school at Shreveport Technical Center is operated on a segregated basis. The Center has enforced a policy of rejecting black students and not hiring black instructors. Even though black students have sought admission to the barber school for which there is no tuition for Louisiana residents, they have been referred to a private black barber school which charges a tuition fee. The barber school provides free haircuts to the Shreveport community, but blacks from the community and black students from the school have been denied free haircuts and shaves. The practice of excluding blacks from the barber school has been perpetuated by the Louisiana State Barber Board.

4. Admissions Tests - Based on its examination of pass/fail rates on admissions tests for five years, OCR found no disparate racial impact. Failure on the tests is not an absolute bar to enrollment in some courses at the school. Those who fail are given a second chance to take the exams.

5. Apprenticeship Programs - Blacks are enrolled in all six apprenticeship classes ranging from 14% of the carpentry program to 60% of the roofers.

6. School rules - The requirement of different hair lengths for men and women

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75/ The Shreveport Technical Center does not offer traditionally female courses such as home economics and cosmetology and traditionally black courses such as masonry and food services. (There is a course in cake decoration which is 11% black). Consequently, there is not as great a concentration of blacks in a few courses as is typical of other vocational schools. For example, in the daytime program, the largest number of black students is in practical nursing, and they constitute 29% of the black enrollment. In the evening program, however, 53% of all black students are in office occupations and hospital housekeeping.

and the prohibition of beards or moustaches in the Student Handbook were found to violate the Title IX regulations.

7. Discipline - There are no requirements for procedural due process in the imposition of punishment for violation of school rules.

8. Black Student Suspensions and Dismissals - Over a five year period, only minority students were dismissed for insubordination and non-compliance with school rules. These rules were arbitrarily and capriciously applied to these students, and their dismissals were therefore discriminatory. This finding applied to the three black students who had filed the complaint with OCR.

9. No information was uncovered on differential grading.

As of July 1976, the letter of findings is about to be sent by the Dallas Office to the Assistant State Superintendent of Vocational Education. It will be interesting to compare the Dallas Office's treatment of Title VI issues as well as what kind of corrective action is required of Louisiana.

CONCLUSIONS

The Office for Civil Rights has had an historic policy of not enforcing Title VI with respect to state departments of education, despite the crucial role of those agencies as conduits of federal aid to local school systems and as direct providers of special educational services to children with various handicaps and vocational training to students who seek entry into, or advancement in, the labor market. In the late 1960's, limited initiatives were begun, but not sustained. After Adams v. Richardson was filed in 1970, OCR admitted that it did not even have racial statistics for most institutions. In the one instance in which there were figures for Louisiana's racially segregated vocational schools, compliance action has never been taken. OCR still did not move to enforce the law until ordered to do so by Judge Pratt in February 1973. Even the Order in Adams has not reversed this deep-rooted disinclination to apply federal law prohibiting racial discrimination to state education agencies or other departments of state governments which operate educational facilities. State-administered schools continue to receive the lowest priority of any of OCR's responsibilities.

The reasons for the continued lack of attention to special purpose and vocational schools are not difficult to fathom. The response to Judge Pratt's Order requiring OCR to implement a compliance program for state-administered and operated schools has been characterized by inept management and failure to define compliance policies. This report all too clearly demonstrates the disastrous consequences of decentralizing responsibility to the Regional Offices without central administrative control and direction. No one within OCR's administrative hierarchy was given the responsibility of implementing a compliance effort for state-administered schools and coordinating and monitoring the work of the Regional Offices. The Policy and Program Development Branch began data collection, conducted Pilot Reviews, and developed a compliance manual for vocational schools, but its responsibility was limited to setting the groundwork for compliance activities. Washington disavowed any further responsibility. Without central direction and coordination, the Regional Offices have operated on an ad hoc basis with the concomitant ineffective, indeed, wasteful, use of staff resources and efforts. Enforcement responsibility in the Regional Offices has fallen to the chiefs of the Elementary and Secondary Division who have given state-operated schools little or no priority, due to the lack of staff resources, the pressing demands of other compliance activities, or to a belief that compliance problems are not so substantial as to warrant a higher priority.

Such justifications are not really defensible. OCR has neither enough experience in the area of state-operated schools nor an adequate statistical base to make judgments about whether problems are so unsubstantial. Area vocational school reviews have revealed substantial compliance problems in some states. OCR has no idea whether there is race or sex discrimination in special purpose schools since these schools have been virtually ignored.

The resource argument is often used by OCR to justify its inattention to areas of its various responsibilities. In part, OCR does have a resource problem. More staff is needed. But the problem is not just more people but better use of existing staff. Because of management deficiencies and lack of clearly understood compliance policies, OCR staff members who did on-site compliance reviews were not sure what they were looking for or what the scope of the review should be. They lacked guidance on what issues should be pursued or what documentation should be collected. Consequently, many reviews were exceedingly superficial, and compliance decisions were based on inadequate information. Once reviews had been done there was uncertainty and confusion in the Regional Offices as to what burden of proof OCR must sustain and what factual documentation was necessary in order to make a finding.

In too many instances the Regional Offices chose the expedient course and found schools in compliance, or identified "concerns" which did not rise to the level of compliance problems. If staff members had known what they were doing in the first place, their time could have been much more wisely spent.

Resources could have been more effectively utilized, too, if OCR had approached compliance on a state-wide basis, rather than school by school. Instead of scheduling individual schools for review on a random basis (i.e. a number of schools within a state had no minority faculty, but only one was selected for on-site review), far better use of staff time could have been made if state-wide patterns and practices responsible for them had been identified. Problems common to a number of schools could have been corrected at their source. While the Pilot Reviews of area vocational schools did focus to some extent on state departments of education, Regional Office reviews did not. If OCR's compliance program had addressed issues of potential discrimination that may be inherent in state education policies and practices, its efforts would have had much broader impact.

There is very little to say about OCR's treatment of special schools for the deaf, blind, handicapped, and retarded because so little has been done. The meager resources that have been expended in this

area have been almost totally wasted. OCR will have to begin anew to identify state-operated special purpose schools, regardless of which state agency administers them, and to collect the data necessary for identifying compliance priorities. Unlike vocational schools, no compliance manual has been prepared, no pilot reviews done, and, with one exception, no compliance reviews have been done by the three Regional Offices. Without these basic prerequisites for a compliance program, OCR cannot identify special purpose schools which remain racially identifiable or determine whether discrimination in any way infects a state's delivery of services to handicapped children.

Area vocational schools present a different story. Here, OCR has developed the semblance of a compliance program, but it has been crippled by the failure to promulgate official and clearly understood compliance policies and by an unwillingness to address systemic problems of discrimination in state-wide practices of fund distribution, hiring, admissions, job placement, and apprentice programs. The Spring 1974 Survey of Area Vocational-Technical Schools did enable OCR to identify schools which should be given high priority for review and possible enforcement action. These priorities, however, were ignored by the Regional Offices. All-black and single-sex vocational schools were to be given priority attention. Yet in the three Regional Offices examined in this report, none of those schools has ever been reviewed.

The Office for Civil Rights must immediately establish a special Division of State-Administered Schools in Washington in order to give high priority to this long ignored compliance area. A separate administrative entity will not by itself resolve the problems of policy and implementation discussed in this paper. But it will focus responsibility for the compliance program, and it could provide the leadership and coordination which have been completely lacking.

Attachment

AVESs WITH COMPLIANCE PROBLEMS*
(As of April 10, 1974)

REGION I Problems: 9

(Forms mailed to 79 secondary and 32 postsecondary AVESs. Returned: 45 secondary, 20 postsecondary).

Massachusetts:

Weymouth Vocational-Technical High School - No minority students, no full-time female students.

Claude Patten Vocational High School (Beverly) - No female students or teachers.

Tantasqua Regional Vocational High School (Stinbridge) - No female students or teachers.

Salem Vocational High School - No female students.

Somerville Technical Trade High School - Only four female students, no female professionals.

Everett Vocational High School - Low minority ratio in students and faculty.

South Shore Vocational-Technical High School - No female students.

Westfield Vocational High School - No female students.

Connecticut:

Howell-Cheney Regional Vocational Technical High School - No female students

* Department of Health, Education and Welfare, Office for Civil Rights, A Guide to Compliance Enforcement in Area Vocational-Education Schools (AVES), p. 35-41 (undated).

REGION II Problems: 7

(Forms mailed to 141 secondary AVESs and 3 postsecondary AVESs. Returned: 57 secondary, no postsecondary).

New York:

Genesee-Wyoming BOCES (Batavia) - Low minority students and faculty.

Oneida #1 BOCES (Utica) - Low minority students and faculty.

Yandon-Dillon Education Center (Minerville) - No minority students or faculty.

New Jersey

Gloucester County Vocational School - Low minority representation, low female representation.

Mercer County AVES (Trenton) - Low minority students, no minority faculty in high minority and industrial area.

Ocean County AVES (Toms River) - Possible low minority representation, low minority faculty. Program segregation.

Bergen County AVES (Hackencask) - Low minority faculty, doubtful area percentage of low minority students.

REGION III Problems:8

(Forms mailed to 117 secondary and 65 postsecondary AVESs. Returned: 106 secondary and 17 postsecondary).

Pennsylvania:

Delaware County AVES (Aston) - Low minority students, no minority faculty.

Delaware County AVES (Folcroft) - Low minority students, no minority faculty.

North Chester County AVES (Phoenixville) - No minority faculty.

Lehigh County AVES (Schnecksville) - Low minority students, no minority faculty, apprentice training all white male.

Forbes Road East AVES (Monroeville) - Low minority students and faculty.

Maryland:

Carver Vocational Technical High School (Baltimore) - All black school.

Carroll County Vocational Technical Center (Westminster) - Low minority students, no minority faculty.

Jane Addams Vocational School (Baltimore) - All females.

West Virginia:

Tri-County Vocational Technical Center (Buckhannon) - No minorities, no females.

REGION IV Problems: 16

(Forms mailed to 176 secondary and 201 postsecondary. Returned: 162 secondary and 143 postsecondary).

Alabama:

Lawson State Community College (Birmingham) - All black student body.

F.W. Olin AVES (Birmingham) - All black students, all black faculty.

C.W. Hayes Technical High School - All black students.

North Carolina:

Randolph Technical Institute (Asheboro) - Low minority students, low minority faculty.

Mississippi:

Jefferson County Vocational Complex (Fayette) - All minority student body.

Utica Junior College - All minority student body.

Natchez-Adams Vocational School (Nachez) - No female students.

South Carolina:

Lower Richland Career Center (Eastover) - No female students.

Tennessee:

Livingston State AVES (Livingston) - Low minority students.

Kentucky:

Millard Area Vocational Center (Pikeville) - Very low female attendance.

Clark County Area Vocational Technical School (Winchester) - No females.

Elizabethtown Area Vocational Technical School - No females.

Corbin Area Vocational Technical School (Corbin) - Very low female representation, no black or female faculty.

Clay County Area Vocational Technical School (Manchester) - No females.

Rockcastle County Area Vocational Technical School (Mt. Vernon) - No minority students or faculty.

Letcher County Area Vocational Technical Schools (Whitesburg) - Low minority students, no minority faculty.

REGION V Problems: 10

(Forms mailed to 113 secondary and 171 postsecondary.
Returned: 80 secondary, 85 postsecondary).

Indiana:

Muncie Area Career Center (Muncie) - Low minority students.

Ohio:

Northwest Technical College (Archbold) - No black students, no black faculty, no blacks in apprentice training.

Minnesota:

Wadena Area Vocational Technical School (Wadena) - No black students, no black faculty.

Worthington Community College (Nobles) - No male students.

Illinois:

Highland Community College (Freeport) - No black students or faculty. No blacks or females in apprentice training.

Carl Sandburg Community College (Galesburg) - No black students or faculty.

Chicago City College (Wilbur Wright Campus) - Low minority students and faculty.

Collinsville Area Vocational Technical School - Low minority students, no minority faculty.

Michigan:

Westshore Community College (Scottsville) - Low minority students, no minority faculty.

Northwest Oakland Vocational Education Center (Clarkston) - Low minority students, no minority faculty.

REGION VI Problems: 6

(Forms mailed to 28 secondary and 89 postsecondary Area Vocational Education Schools. Returned: 37 secondary and 58 postsecondary).

Louisiana:

Orleans Area Vocational Technical School (New Orleans) - All black student body.

Capitol Area Vocational Technical School (Baton Rouge) - All black student body.

Opelousas Area Vocational Technical School (Opelousas) - 96% black student body, all black faculty.

North Central Area Vocational Technical School (Farmerville) - Low minority students, no black faculty.

Texas:

Navarro Junior College (Corsicana) - Low minority representation, no black faculty.

Arkansas:

Foothills Vocational Technical Institute (Searcy) - Low black student ratio, no black faculty.

REGION VII Problems: 6

(Forms sent to 40 secondary and 39 postsecondary Area Vocational Education Schools. Returned: 39 secondary and 17 postsecondary).

Missouri:

Linn Technical College (Linn) - Low minority and female students, no minority faculty.

Tri-County Trade School (Malden) - No minority faculty, no female students.

Lewis and Clark Area Vocational Technical School (St. Charles) - Low minority students, no minority faculty.

State Fair Community College (Sedalia) - Low minority students, no minority faculty.

Brookfield R-III Area Vocational Technical School (Brookfield) - Low minority students, no minority faculty.

Nebraska:

Western Nebraska Technical College (Sidney) - Low minority students, low female students, no minority faculty.

REGION VIII Problems: 2

(Forms sent to 11 secondary and 36 postsecondary Area Vocational Education Schools. Returned: 12 secondary and 15 postsecondary).

Colorado:

Boulder Valley Area Vocational Technical School (Boulder) - Low minority student ratio.

South Dakota:

Southeast Area Vocational Technical School (Sioux Falls) - Low minority students.

REGION IX Problems: 2

(Forms sent to 3 secondary and 109 postsecondary Area Vocational Education Schools. Returned: 1 secondary and 37 postsecondary).

California:

Santa Barbara Community College - Low minority students and faculty.

Fullerton Community College - Low minority students and faculty.

REGION X

(Forms sent to 3 secondary and 54 postsecondary Area Vocational Education Schools. Returned: 3 secondary and 23 postsecondary, no problems evident).